

Satisfying Labour Demand through Migration in Germany: Research Study in the framework of the European Migration Network (EMN)

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Federal Office
for Migration
and Refugees



Satisfying Labour Demand through Migration in Germany

Research Study in the framework of the
European Migration Network (EMN)

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List of Abbreviations

§	Section (of a legal act)
AG	Corporation (<i>Aktiengesellschaft</i>)
AZR	Central Register of Foreign Nationals (<i>Ausländerzentralregister</i>)
BAMF	Federal Office for Migration and Refugees (<i>Bundesamt für Migration und Flüchtlinge</i>)
BMBF	Federal Ministry of Education and Research (<i>Bundesministerium für Bildung und Forschung</i>)
BMAS	Federal Ministry of Labour and Social Affairs (<i>Bundesministerium für Arbeit und Soziales</i>)
BMELV	Federal Ministry of Food, Agriculture and Consumer Protection (<i>Bundesministerium für Ernährung, Landwirtschaft und Verbraucherschutz</i>)
BMI	Federal Ministry of the Interior (<i>Bundesministerium des Innern</i>)
CDU	Christian Democratic Union of Germany (<i>Christlich Demokratische Union Deutschlands</i>)
CIS	Commonwealth of Independent States
CSU	Christian Social Union in Bavaria (<i>Christlich-Soziale Union in Bayern</i>)
EMN	European Migration Network
EU	European Union
EEA	European Economic Area
FDP	Free Democratic Party (<i>Freie Demokratische Partei</i>)
IAQ	Institute for Work, Skills and Training at the University of Duisburg-Essen (<i>Institut Arbeit und Qualifikation an der Universität Duisburg-Essen</i>)
ICT	Information and communications technology
ILO	International Labour Organisation
IQ	Advisory Network on Integration through Skills Upgrading (<i>Beratungsnetzwerk Integration durch Qualifizierung</i>)

ISCO	International Standard Classification of Occupations
IT	Information technology
MINT	Mathematics, informatics, natural sciences, technology
MME	Migration, Mobility and Employment
NACE	<i>Nomenclature statistique des activités économiques dans la Communauté européenne</i>
OECD	Organisation for Economic Co-operation and Development
SPD	Social Democratic Party of Germany <i>(Sozialdemokratische Partei Deutschlands)</i>
UNHCR	United Nations High Commissioner for Refugees
USA	United States of America
VerBIS	Job placement, career guidance and information system <i>(Vermittlungs-, Beratungs- und Informationssystem)</i>
ZIRF	Information Centre for Voluntary Return <i>(Zentralstelle für Informationsvermittlung zur Rückkehrförderung)</i>

Summary

This study deals with the management of economic migration to Germany. As such, the main focus is on the migration of gainfully employed persons from non-EU countries. This partial study conducted by Germany is part of a European project that aims at drawing a comparison between European countries in order to indicate to what extent immigration is seen as a remedy for labour shortages. It shall also give an overview of the criteria and statutory bases for economic migration which the EU Member States have put into place. One focal point of the study is the provision and analysis of comprehensive data material regarding the gainful employment of foreign nationals in Germany, the development of labour demand and of current trends in respect of the immigration and departure of gainfully employed foreign nationals. In addition, a range of issues that arise in the broader context of economic migration will be discussed – such as the issue of integration measures, the problem of recognising foreign qualifications, the mechanisms used to assess the future demand for labour and cooperation strategies with third countries.

The management and organisation of immigration has, for some years now, been acknowledged as being one of the most important social challenges facing Germany. An immigration policy that was deliberately aimed at opening up certain sectors of the labour market for medium or long-term immigration was initiated, in particular, by the Immigration Act (Zuwanderungsgesetz), which entered into force in 2005, and this policy has subsequently been continued on a progressive basis. It is oriented to the needs of Germany as a location for business and industry and takes the conditions on the labour market into account. Various reforms have, in particular, improved the immigration opportunities for highly qualified migrants and skilled employees in certain sectors.

Key results

This study has yielded the following results, inter alia, regarding the data on the gainful employment of foreign nationals in Germany, the demand for labour and the immigration and departure of gainfully employed foreign nationals:

- The number of gainfully employed persons in Germany who originate from third countries rose from 1,901,000 persons in 2004 to 1,937,000 in 2009. However, in proportion to the total number of gainfully employed persons, the share of gainfully employed persons from third countries fell from 5.4 percent to 5 percent during the same period, which can be attributed, in particular, to the rise in gainful employment as a whole. Skilled migrants make up the majority of gainfully employed persons in Germany who originate from third countries, accounting for

a good 54 percent of the total. Highly qualified migrants account for more than 23 percent and low-skilled migrants for 20 percent.

- There has been a noticeable decline in the number of publicly recorded vacancies. In 2009, 485,528 vacancies on average were registered with the Federal Employment Agency. This represents a decline of almost 15 percent compared to 2008 when there were 568,513 job vacancies available. A decline of just under 9 percent had already been recorded between 2007 and 2008. In previous years, sharp rates of increase had been recorded in some segments.
- However, in certain economic sectors, the number of vacancies rose, indicating that there is an increased demand for labour. In 2008, engineers were the most sought-after professionals, followed by the social occupations. At the end of 2009, for instance, the number of vacancies in the economic sectors of education and teaching (+15 percent) as well as homes (care and residential facilities, +8 percent) was far higher than at the same time the previous year. Increases were also recorded in public health and in other mainly personal services.
- In 2009, a total of 311 highly qualified third-country nationals immigrated, 142 of whom were researchers (pursuant to Section 20 of the Residence Act); 169 were other highly qualified migrants (Section 19 of the Residence Act). Although the number of highly qualified migrants who immigrated was higher than in 2008 (221 persons), the overall figure is still fairly low.
- The number of immigrants who came to Germany for the purpose of pursuing employment in general (Section 18 of the Residence Act) was far higher than the number of highly qualified immigrants, although it is worth noting that immigrants as defined in Section 18 also include persons with higher education degrees (hence including highly qualified migrants). In 2009, 25,053 third-country nationals were granted a residence permit for the first time, or were re-granted a permit after previous emigration, in order to pursue employment; this represents a decline compared to 2008 (29,141) and 2007 (28,761).
- The number of self-employed persons who immigrated also fell, totalling 1,024 persons in 2009 (compared to 1,239 persons in 2008 and 891 in 2007).
- The most important groups among third-country nationals entering the Federal Republic of Germany for employment purposes are nationals of the USA (3,229 persons entering the Federal Republic in 2009), India (3,094), China (2,356) and Croatia (1,858) as well as Bosnia and Herzegovina (1,640).

The number of migrant workers who left the Federal Republic increased between 2007 and 2009. In 2007, only 40 persons who had been granted a settlement permit pursuant to Section 19 of the Residence Act left the Federal Republic. In 2008, the number was 90 and, in 2009, the total number was 109 persons. Of the persons who had been granted a residence permit pursuant to Section 18 of the Residence Act, a total of 16,539 left Germany in 2007, compared to 19,069 in 2008 and 19,662 in 2009.

With regard to the political priorities and the existing statutory and institutional framework for the immigration of gainfully employed foreign migrants and on the issue of the relevant cooperation with third countries, the study arrives at the following key results:

- The Federal Government is pursuing the goal of meeting the demand for skilled workers in Germany primarily by increasing training and advanced training of domestic skilled workers, by increasing the labour-force participation rate of women and older persons and by upgrading the skills of persons with a migration background who are already living in Germany. In addition, however, immigration that is oriented to economic and demographic needs and is managed accordingly is also viewed as an important component of the policy aimed at meeting the demand for labour, particularly highly qualified migrants and skilled workers.
- Within the current regulations, there are a number of possibilities for temporary and long-term residence of foreign nationals for employment purposes. They include country of origin-based, qualification-based and occupation-based management tools. In relation to country of origin-based management, a distinction needs to be made between EU nationals and third-country nationals, with further distinctions being made within these categories. Transitional arrangements have been made regarding the freedom of movement for EU nationals from countries which joined the EU in 2004 and in 2007. With regard to qualification-based immigration, the terms for highly qualified migrants are more favourable than for persons with average or low qualifications. In certain professions and sectors of the labour market, immigration is managed first and foremost by ordinances having the force of law.
- The current and future challenges facing Germany's immigration policy include evolving the statutory basis of immigration as well as accompanying measures, such as improving the recognition of qualifications and degrees achieved abroad. So-called job matching, where a recruitment service links vacancies to jobseekers as swiftly and as effectively as possible, is also important. Another focal point consists in evolving methods used to assess and quantify future labour shortages.

- In its endeavours to manage economic migration, the Federal Government co-operates with third countries on a number of different levels. Seasonal workers, contract workers and guest workers from third countries are employed on the basis of bilateral agreements which the partner countries are involved in drawing up. Relations with Turkey, the most important country of origin for gainfully employed foreign nationals in the Federal Republic of Germany, are of particular importance. Management of labour migration also plays an important role as part of “mobility partnerships”, a comparatively new tool used to enhance the coordination of migration policy between EU and third countries.

Future courses of action

Against the backdrop of the analysis that Germany has only attracted a relatively small number of highly qualified immigrants permanently in recent years despite the fact that it has shifted to labour market-oriented management of immigration, it is anticipated that the current legal system for the immigration of gainfully employed persons from third countries will be further developed both at national level and at EU level. In addition, further measures aimed at enhancing Germany’s attractiveness, including the area of recognition of international qualifications, enhanced job matching and identification of labour shortages, are likely to be implemented. With regard to any measures aimed at managing immigration, it will be important to keep an eye both on shortages in the labour market occurring in the short term and on long-term prospects arising from demographic trends.

1 Introduction

Many of the European Union's Member States are confronted with an ageing population. Owing to a decline in birth rates and longer life expectancy, a declining number of inhabitants of working age will have to look after a steadily growing number of elderly persons (cf. Giannakouris 2008: 2ff.). In this context, a Reflection Group on the Future of the EU 2030 commissioned by the European Council has arrived at the conclusion that the European Union will not be able to meet future labour and skills shortages without immigration. (cf. Reflection Group 2010: 23). What is more, the labour markets of a number of European countries have faced a situation of high unemployment and a simultaneous shortage of workers with certain qualification profiles in recent years. In Germany, the term "qualification mismatch" has been coined to describe this situation. It means that the existing supply of labour no longer matches the requirements of the economy, which is characterised by structural change, the information and knowledge society, internationalisation and globalisation (cf. Heß/Sauer 2007: 6).

In order to respond to these demographic and labour market challenges, a number of strategies are being discussed and tested in the EU. They include investment and reforms in education, training and skills upgrading, policies aimed at promoting families and reconciling family needs and working life and also measures aimed at more effective management of cross-border migration movements in a bid to meet the economy's demand for labour. Management of migration movements refers, in particular, to migrants from third countries, i.e. countries that are not members of the EU. In principle, EU nationals enjoy freedom of movement – with the exception of nationals of the "new" EU Member States to whom transitional regulations apply. Hence the movement of EU nationals within the EU does not, for the most part, come under state control.

Whereas freedom of movement within the Single European Market has, from the very beginning, been an important subject of cooperation in the former European Community, which is today the European Union, the bodies of the EU only began dealing with third-country nationals in the 1980s. To begin with, the decision-makers in the European Union and Member States focused on the policy fields of flight and asylum as well as "illegal" or "undocumented" migration. However, for the past few years, they have also been focusing more on managing "legal" migration movements, including economic migration from third countries. Between 1999 and 2004, agreement was reached, *inter alia*, on Directives concerning common EU criteria for the admission of researchers and academics, schoolgoers, students and trainees. However, the Justice and Home Affairs Council of the Member States was unable to reach agreement on a draft directive of 2001,¹ which would have created an initial basic framework for common rules and procedures in relation to the labour immigration from third countries (cf. Parusel 2010: 138-142).

1 COM (2001) 386 final.

In January 2005, the EU Commission launched a new initiative aimed at creating a common EU policy on labour immigration by presenting a “Green Paper on an EU approach to managing economic migration”. Following a comprehensive consultation process, which gave the governments of the Member States as well as interested organisations, associations and academics the opportunity to submit regulatory proposals, a “Policy Plan on Legal Migration” was submitted at the end of 2005. This paper contained concrete proposals for a future common policy on the management of labour migration. It included a proposal to issue a “horizontal framework directive” to harmonise and simplify the immigration procedures and the residence requirements for all third-country nationals entering the EU in order to pursue gainful employment. Also included were “sectoral” directives containing special criteria and rules for the immigration of workers with certain profiles – such as highly qualified migrants, intra-corporate transferees and seasonal workers. One of the proposals outlined in the “Policy Plan”, the Directive on highly qualified migrants in conjunction with a “European Blue Card”, has meanwhile been agreed upon.² The other proposals for directives are still in the process of negotiation (Framework Directive) or have recently been published by the EU Commission (Directives on seasonal workers and on so called intra-corporate transferees).³ Furthermore, in 2012, the EU Commission is planning to publish a Communication on how to address labour shortages by means of migration in EU Member States.⁴

In order to provide the decision-makers with as sound an evidence base as possible on migration policies in the individual Member States in the run-up to the negotiations on EU measures in the above-mentioned areas and to explain to what extent and with what policies the Member States are endeavouring to compensate for labour shortages through migration, this study on the subject of “Satisfying Labour Demand through Migration” was initiated within the framework of the European Migration Network (EMN).⁵ Each EMN Member State has been requested to submit a national study on its respective policy in the area of labour migration. On the basis of the national studies, the EU Commission will draw up a “synthesis report” that will pick up on the most important findings of the individual countries, will pinpoint common ground and develop prospects for common, transnational solution strategies.

2 Council Directive 2009/50/EC on the conditions of entry and residence of third-country nationals for the purposes of highly qualified employment.

3 COM(2010) 378 final (Proposal for a Directive on conditions of entry and residence of third-country nationals in the framework of an intracorporate transfer) and COM (2010) 379 final (Proposal for a Directive on conditions of entry and residence of third-country nationals for the purposes of seasonal employment).

4 Cf. COM(2010) 171 final, p. 52.

5 The aim of the EMN is to improve the availability of, and access to, information concerning migration and asylum at European and Member State level for the EU bodies and the authorities and organisations of the Member States by providing current, objective, reliable and comparable information on the migration and asylum situation, in order to assist with policy-making in the European Union. Pursuant to Article 9 para. 1 of Council Decision 2008/381/EC of 14 May 2008 on the establishment of a European Migration Network, each National Contact Point shall, every year, provide a report describing the migration and asylum situation in the Member State, which shall include policy developments and statistical data.

This study is Germany's contribution to this comparative project. In the following sections, the methodical approach and material basis will be outlined first and some of the definitions of terms that are important for the study will be explained. Chapter 2 will then outline the policy for managing economic migration to Germany. This will include outlining national policy concepts for meeting the demand for labour, the statutory and institutional framework as well as important public debates. Chapter 3 will focus particularly on special mechanisms used to identify labour shortages in Germany, job-matching strategies, efforts in relation to the recognition of qualifications obtained abroad and integration measures for labour immigrants. In addition, important developments regarding the employment of foreign nationals in Germany, the inflow and outflow of workers and the demand for labour will be described and analysed on the basis of various data sources. Chapter 4 will address types of cooperation with third countries regarding the management of labour immigration. The final Chapter 5 contains conclusions drawn regarding the use of migration to meet the demand for labour and framework conditions that are conceivable in this context, for instance in the area of recognition of international qualifications or enhancing Germany's attractiveness for labour migrants with certain profiles.

1.1 Methodology

The findings of this study are based on a number of different sources. In addition to current, thematically relevant research literature, the main legal sources, such as the Residence Act (Aufenthaltsgesetz), have been taken into account. Political documents, such as non-papers from the Federal Ministries and printed documents of the Bundestag, have also been used as an important reference. The required statistical data originates mainly from four sources, a special evaluation carried out by the Federal Statistical Office as part of a Microcensus Labour Force Survey, the Central Register of Foreign Nationals (Ausländerzentralregister, AZR), the statistics on job vacancies registered with the Federal Employment Agency and Eurostat statistics on vacancies, on the basis of a survey on national job vacancies carried out by the Institute for Employment Research (Institut für Arbeitsmarkt- und Berufsforschung, IAB).

In order to gain the most current overview of the assessments and viewpoints of academic and policy-advisory institutions as well as labour market partners on how to manage labour immigration to Germany, Germany's EMN national contact point organised a workshop for experts on 28 April 2010. It was attended by representatives of the Institute for Employment Research, the Federal Employment Agency (Bundesagentur für Arbeit, the Confederation of German Trade Unions (Deutscher Gewerkschaftsbund), the Cologne Institute for Economic Research (Institut der deutschen Wirtschaft), the German Institute for International and Security Affairs (Stiftung Wissenschaft und Politik), the Confederation of German Employers' Associations (Bundesvereinigung der Deutschen Arbeitgeberverbände), the Federal Office for Migration and Refugees (Bundesamt für Migration und Flüchtlinge, BAMF) and the Federal Ministry of the Interior (Bundesministerium des Innern, BMI). The workshop dealt with a total of three blocks of themes, namely the availability of data on

labour migration, findings on current and future shortages in the labour market as well as concepts and prospects for managing labour migration. The findings of the workshop have been incorporated into various parts of this study, particularly the analysis and conclusion.

Data sources

The availability of data in terms of the information on employment/gainful employment of foreign nationals in Germany that is important for this study is, on the whole, good. With regard to the data sources available, we have focused our attention on the data on gainful employment included in the Labour Force Survey (LFS). This data facilitates better European comparability because, on the one hand, it ties in more strongly with standard international definitions (unlike the national employment statistics of the German labour authorities) and, on the other, is compatible with the classification of occupations favoured by EMN for this study, namely ISCO-88 (International Standard Classification of Occupations) (cf. specifically Chapter 3.2.1).

It is meanwhile proving difficult to determine the number of foreign workers entering and leaving Germany. The most suitable data source for these purposes is the Central Register of Foreign Nationals (AZR). It provides, inter alia, information about persons who have been granted a residence or settlement permit under Sections 18, 19, 20 or 21 of the Residence Act for the first time or have been regranted a permit after previous emigration. As, generally speaking, the Central Register of Foreign Nationals only covers foreign nationals whose stays in Germany normally exceed three months and who are hence not residing in Germany just temporarily, certain categories of temporary immigration (for instance, certain seasonal workers, fairground helpers or intra-corporate transferees) cannot always be identified in the Central Register of Foreign Nationals. In order to do so, data of the Central Placement Office for Work Abroad and Specialised Workers of the Federal Employment Agency (Zentrale Auslands- und Fachvermittlung der Bundesagentur für Arbeit) is accessed. Some foreign nationals who come to Germany for employment purposes are also granted a residence permit on a different statutory basis, for instance as members of the families of foreign nationals already residing in Germany, as part of the freedom of movement in the Single European Market or on the basis of residence rights on humanitarian grounds. The numbers of arrivals of these categories of persons could not be quantified as part of this study as they could not be unequivocally identified as migrant workers.

1.2 Definitions

For the purposes of this study – in particular to increase the likelihood of being able to compare data between the various national studies – in accordance with the common EMN specifications, migrant workers are to be classified according to different categories, namely highly qualified migrants, skilled migrants, low-skilled migrants, researchers and seasonal worker migrants. As their definition can be difficult or even misleading, these terms had to be defined by the participating countries in preparation for the EMN Study.

Highly qualified migrants

In the EU context, ‘highly qualified employment’ means the employment of a person who

- in the Member State concerned, is protected as an employee under national employment law and/or in accordance with national practice, irrespective of the legal relationship, for the purpose of exercising genuine and effective work for, or under the direction of, someone else,
- is paid, and,
- has the required adequate and specific competence, as proven by higher professional qualifications.”⁶

On the basis of this description, it was specified for this study that “highly qualified migrants” perform a task that comes under ISCO categories 1, 2 or 3, for instance perform the tasks of a manager, executive, expert or engineer. Highly qualified migrants from third countries have the right to a settlement permit if they meet the relevant conditions set forth in Section 19 of the Residence Act.

Skilled migrants

The following ISCO-88 categories are defined in this study as “skilled migrant occupations”, namely occupations and professions requiring qualified training:

- ISCO 4: Clerks
- ISCO 5: Service workers and shop and market sales workers
- ISCO 6: Skilled agricultural and fishery workers
- ISCO 7: Craft and related trades workers
- ISCO 8: Plant and machine operators and assemblers

Skilled migrants from third countries may be entitled to a resident permit in Germany on the basis of Section 18 of the Residence Act.

Low-skilled migrants

ISCO category 9 occupations (“unskilled workers”) are defined within the framework of this study as occupations requiring little or no qualifications. Low-skilled migrants, like skilled migrants, may be entitled to a residence permit in Germany on the basis of Section 18 of the Residence Act.

⁶ Cf. Article 2 (b) of Council Directive 2009/50/EC of 25 May 2009 on the conditions of entry and residence of third-country nationals for the purposes of highly qualified employment.

Other

ISCO category 0 is defined as “Other occupations”. These cover, in particular, Armed Forces occupations but also other occupations that cannot be allocated to the main categories 1 to 9.

Researchers

The definition of researchers is based on Council Directive 2005/71/EC of 12 October 2005 on a specific procedure for admitting third-country nationals for the purposes of scientific research. It states that ‘researcher’ means a third-country national holding an appropriate higher education qualification, which gives access to doctoral programmes, who is selected by a research organisation to carry out a research project for which the above qualification is normally required.⁷ Council Directive 2005/71/EC of 12 October 2005 on a specific procedure for admitting third-country nationals for the purposes of scientific research was transposed into German law by virtue of Section 20 of the Residence Act. It should be noted that researchers must also be deemed highly qualified persons on the basis of the required level of qualifications (higher education qualification) (cf. Chapter 3.2).

International seasonal worker migrants

In Council Resolution of 20 June 1994 on limitation on admission of third-country nationals to the territory of the Member States for employment, the term seasonal workers refers to workers who “are resident in a third country but are employed in an activity dependent on the rhythm of the seasons in the territory of a Member State on the basis of a contract for a specified period and for specific employment.”⁸ There is no standard ISCO category for the category of seasonal workers as seasonal work can occur in a number of different agricultural and forestry sectors. An additional feature that applies to Germany is, for instance, the fact that the vast majority of seasonal workers come from EU Member States, above all from Poland and Romania. The figures and analyses on the employment of foreign seasonal workers that are mentioned in this study therefore do not refer primarily to third-country nationals. The category of “fairground helpers” is also included (cf. Chapter 2.2).⁹

7 Cf. Article 2 (d) of Council Directive 2005/71/EC of 12 October 2005 on a specific procedure for admitting third-country nationals for the purposes of scientific research.

8 Council Resolution of 20 June 1994 on limitation on admission of third-country nationals to the territory of the Member States for employment, in: Official Journal C 274 of 19 September 1996, p. 3-6.

9 This involves low-skilled labour at circuses and fun-fairs. Fairground helpers and showmen assistants within the meaning of the Employment Ordinance are showmen who work with one or several businesses at folk festivals and similar events with typical attractions (e.g. fairground rides, tent restaurants, fairground entertainment, sales booths and carousels, archery stalls). Circus companies are also defined as being part of the fairground business; cf. Federal Employment Agency fact sheet for employers on the placement and employment for foreign seasonal workers and fairground helpers (Merkblatt für Arbeitgeber zur Vermittlung und Beschäftigung ausländischer Saisonarbeitnehmer und Schaustellergewerkschaften der Bundesagentur für Arbeit), as at January 2010, p. 14.

“Gainfully employed persons” and “employees liable for compulsory social-insurance payments”

Whereas the European labour force survey covers all persons in “gainful employment”, the employment statistics of the Federal Employment Agency in Germany relate to “employees liable for compulsory social-insurance payments”. Gainfully employed persons are persons aged 15 or over who work at least one hour per week for pay or profit (workers including soldiers and family helpers as well as casual workers), non-farm self-employed persons, self-employed farmers or persons working in liberal professions. By contrast, “employees liable for compulsory social-insurance payments” include all gainfully employed persons and trainees who work at least 15 hours per week on average and who are liable for compulsory health insurance, pension insurance, nursing care insurance and unemployment benefit insurance. This means that persons working in the family business without payment, persons who only work in so-called “mini-jobs” earning up to € 400 per month, self-employed persons and civil servants, soldiers and judges are covered by the European Labour Force Survey, but do not belong to the category of “employees liable for compulsory social-insurance payments” used by the German Federal Employment Agency.¹⁰

¹⁰ In a few cases, self-employed persons are also liable for compulsory insurance.

2 The approach to economic migration in Germany

2.1 National ideas and policy concepts

2.1.1 The role of immigration in meeting the future demand for labour

The Federal Government is pursuing the goal of meeting the anticipated increase in demand for skilled workers in Germany primarily by increasing education and advanced training of domestic skilled workers, by enhancing the labour-force participation rate of women and older persons and by upgrading the skills of persons with a migration background who are already living in Germany. To this end, the Federal Government approved the “Advancement through Education” skills upgrading initiative (Aufstieg durch Bildung) on 9 January 2008. This initiative is aimed at sustainably improving training and advanced training in terms of both its quality and its scope. The initiative encompasses measures and reforms in the areas of early childhood education and early language support, government promotion of education and training, assistance in obtaining vocational and professional qualifications as well as in subsequent skills upgrading and in completing vocational qualifications not previously obtained, promoting the transition from school to higher level education, promoting young natural scientists and engineers, creating equal opportunities for women and lifelong learning (cf. BMBF 2009).

In the context of demographic trends, globalisation and economic structural change towards more knowledge and research-intensive industries and services, however, the previous ruling coalition also assumed that it would become increasingly difficult in the medium to long term to meet the growing demand for skilled workers and highly qualified migrants on the basis of Germany’s current labour potential. The action programme entitled “Contribution towards securing the skilled labour basis in Germany by labour immigration” (Beitrag der Arbeitsmigration zur Sicherung der Fachkräftebasis in Deutschland), which was launched by the Federal Government in July 2008, therefore states that the predicted trend of a decline in the supply of labour together with a simultaneous rise in the demand for labour both in terms of quality and quantity poses the challenge that there could be a particular shortage of labour in the labour market for academics, which could start affecting economic growth as early as the mid-2010s. It goes on to state that the international competition for highly qualified workers is set to intensify further, which is why it is also a matter of making immigration regulations more attractive in order to strengthen Germany’s position (cf. BMI/BMAS 2008: 1).¹¹

11 At the same time, the Federal Government is endeavouring to ensure, within the framework of national and European migration policy, that the envisaged immigration does not prove detrimental to developing countries. The Federal Government will not deliberately recruit skilled workers from congested sectors in developing countries (cf. BMI/BMAS 2008: 1).

The management and organisation of immigration has, for some years now, been acknowledged as being one of the most important social challenges facing Germany. Although immigration was also managed in the past, it was usually oriented to limiting the number of immigrants (cf. Bade/Oltmer 2007: 160). An immigration policy that was deliberately aimed at opening up medium or long-term immigration for certain groups of migrants was only initiated by the Immigration Act (Zuwanderungsgesetz), which entered into force on 1 January 2005, and was continued thereafter. Experts, academics and industrial representatives agree for the most part that the Immigration Act represents an important step regarding the legal certainty and integration of immigrants living in Germany. In its 2009 Social Report (Sozialbericht), the Federal Government paid tribute to the Immigration Act as a “foundation of an immigration policy that is oriented more to economic and demographic needs and can be managed” (Bundesregierung 2009: 49).

However, from time to time, the professional public complains that the immigration possibilities which the Act offers to labour migrants have not been sufficient to meet the medium and long-term demand for labour. In this context, the continuation of the reforms and expansion of the immigration possibilities are advocated (cf. Angenendt 2008: 6-7).

The Immigration Act of 2005 was reformed by the so-called Act to Implement Residence- and Asylum-Related Directives of the European Union (EU Directives Implementation Act, Richtlinienumsetzungsgesetz) that entered into force on 28 August 2007. In addition to regulations on preventing marriages of convenience and forced marriages, on strengthening internal security, on the Nationality Act (Staatsangehörigkeitsrecht) and on facilitating the immigration of start-up entrepreneurs, this reform included, in particular, a number of measures that promote the integration of immigrants into German society. Also included in the Act was the introduction of a special residence permit for researchers and of mobility rules for students registered in another Member State, which was of particular importance for labour migration.

On 24 August 2007, the Federal Cabinet reached agreement that an additional demand for highly qualified migrants could arise in both the short and the long term even if the domestic potential in relation to highly skilled workers was fully utilised. The cabinet decided to optimise the management of immigration in a way that adequately corresponds with the needs of the labour market in order to further strengthen Germany’s position in the “competition for the best talent” (Bundesregierung 2009: 50). This decision was implemented via the Ordinance on access of foreign higher education graduates to the labour market (Verordnung über den Zugang ausländischer Hochschulabsolventen zum Arbeitsmarkt) (cf. Section 2.2.7)¹² and via the action programme “Contribution towards securing the skilled labour basis in Germany by labour immigration” that was launched in 2008. The objective of this programme was to make Germany more attractive for highly qualified migrants. It was implemented via amendments made to the Residence Act by the Labour

¹² The Ordinance on access of foreign higher education graduates to the labour market of 9 October 2007 (Federal Law Gazette I, p. 2337). This Ordinance was suspended on 1 January 2009 and was replaced by the amended Employment Ordinance and the Ordinance on official procedures enabling resident foreigners to take up employment.

Migration Control Act (Arbeitsmigrationssteuerungsgesetz) and via ordinances governing the employment of foreigners, the Ordinance on the admission of foreigners for the purpose of taking up employment (“Employment Ordinance”, Beschäftigungsverordnung) and the Ordinance on official procedures enabling resident foreigners to take up employment (Beschäftigungsverfahrensverordnung) (cf. Section 2.2.7).

In their Coalition Agreement signed on 26 October 2009, the current government parties CDU, CSU and FDP announced their determination to further enhance Germany’s attractiveness for highly qualified migrants, to manage immigration and to eliminate red tape for skilled workers. The Agreement also states:

“Access to the German labour market for foreign highly-qualified and specialist workers must be systematically aligned with the needs of the German labour market using coherent, clear, transparent and weighted criteria such as demand, qualifications and integration capacity. In addition, we will review regulations governing self-employment, and the employment of students with a German university degree, artists and athletes and seasonal workers to determine if there are opportunities for simplification. Regulations will also be simplified for employing seasonal workers in specialised crop operations.”¹³

2.1.2 Managing labour migration according to levels of qualification and occupations

The policies for managing labour migration in Germany are oriented to various categories of labour migrants, depending on their qualification profiles, and are tailored to the various sectors of the labour market. Special rules apply, for instance, to highly qualified migrants, researchers, seasonal workers, contract workers and self-employed persons.

In order to ease the shortage of skilled workers in the field of information and communications technology and also to make the German labour market more attractive for highly qualified workers in other industries and researchers, simplified immigration procedures apply to these professional categories (cf. Section 2.2.7). By contrast, seasonal employment is aimed at bridging a temporary demand for labour at peak times. Contract workers are employees of companies that have their registered office abroad and who are permitted to work in Germany on the basis of a work contract. Foreigners may be granted a residence permit for the purposes of self-employment if an overriding economic interest or a special regional need exists, the activity is expected to have positive effects on the German economy and the financing is secured.

Other groups to whom the special regulations pursuant to the Employment Ordinance apply are:

- Persons who come to Germany as part of staff exchanges within international companies (intra-corporate transferees);
- Guest workers;
- Cross-border workers (cross-border commuters);
- Nursing staff and carers of the elderly;
- Domestic help;

13 Cf. “Growth. Education. Unity,” Coalition Agreement between the CDU, CSU and FDP, 17th legislative period, p. 28.

- Au-pairs;
- Certain professional groups with special qualifications (e.g. foreign teachers who will be teaching in their mother tongue);
- Artists and acrobats;
- Certain nationals who are exempt from the ban on the recruitment of foreign labour (cf. Section 2.2.1), e.g. Australian, Israeli and US nationals;¹⁴
- Longer-term posted workers.

2.1.3 Managing labour migration based on the country of origin

In addition to the occupation and qualification-based mechanisms used to control labour migration to Germany, differences also apply depending on the nationality of the potential labour migrants. With regard to labour migration to Germany, the options for EU nationals are more generous and attractive than for non-EU nationals. However, within the category of EU nationals, a distinction needs to be made between nationals of the “old” EU Member States (EU-15) and the “new” Member States (EU-10 and EU-2) as transitional rules apply to the freedom of movement of the “new” EU nationals (cf. Section 2.2.2), whereas nationals of the EU-15 countries are on a more or less equal footing to German nationals. Likewise, distinctions also need to be made in respect of third-country nationals. For instance, nationals of certain countries such as the USA, Canada, Australia and Japan are exempt from the general “ban on the recruitment of foreign labour” pursuant to Section 33 of the Ordinance on the admission of foreigners for the purpose of taking up employment.

2.1.4 Mechanisms used to control temporary and long-term labour market shortages

In the areas of seasonal work and the labour market sectors for low-skilled workers, labour shortages are covered in the short term and are regulated by international agreements concluded between the German Federal Employment Agency and the authorities in the country of origin. As such, a company can employ seasonal workers for up to eight months a year on condition that no domestic workers or any other workers to whom priority is given are available. Contract workers are also more likely to be employed to cover cyclical and short-term labour shortages; they will be issued a residence permit that may be valid for up to four years (cf. Section 2.2.7).

In the field of activities requiring a high level of qualifications, the legislator is promoting more long-term, that is to say, permanent, immigration. This is manifested, inter alia, by the fact that highly qualified third-country nationals may be granted a settlement permit pursuant to Section 19 of the Residence Act if they fulfil certain conditions. Unlike the residence permit (*Aufenthaltserlaubnis*), the settlement permit (*Niederlassungserlaubnis*) is a permanent residence title.

¹⁴ Also nationals of Andorra, Japan, Monaco, New Zealand and San Marino.

2.1.5 The dimension of returns in labour migration

In several areas of labour immigration to Germany, it is assumed that the foreign workers will return to their country of origin after spending a certain length of time in Germany. This is, for instance, the case with seasonal workers but also with contract workers or au pairs. Other types of labour migration are permanent. In the case of highly qualified migrants, for instance, the legislator does not assume that labour migrants to Germany will leave the country after a certain period of time. Rather, endeavours are being undertaken to create incentives for highly qualified migrants to remain in Germany.

Up to now, no separate regulations have been created under federal laws to establish and organise public return assistance in Germany. This explains why foreigners who are willing or obliged to return to their country of origin have no legal entitlement to financial or any other assistance for voluntary returns. One exception to this rule is part of the Act to promote the readiness of foreigners to return to their home countries (Rückkehrhilfegesetz) of 1983 which remains valid to the present day. The Act accords foreigners an unlimited legal entitlement to receive comprehensive return-oriented counselling services, which are, in principle, available to all foreigners who are willing to return to their country of origin (cf. Schneider/Kreienbrink 2010: 43f.).

In order to assist with the promotion of returns, BAMF established the “Information Centre for Voluntary Return” (Zentralstelle für Informationsvermittlung zur Rückkehrförderung, ZIRF) in July 2003. With the aid of a database, relevant information about repatriation promotion programmes, country-specific information or advisory services is collected and is passed on to persons interested in returning to their country of origin, authorities or advisory centres. In principle, this service is also available to foreign workers who are interested in returning to their country of origin, though it is aimed primarily at other categories of migrants, for instance, persons who were admitted on humanitarian grounds or whose residence titles have expired.

The “ZIRF Counselling” project was launched on 1 January 2006. ZIRF provides targeted and individual advice on repatriation within this framework. ZIRF Counselling provides country-specific information leaflets and replies to queries submitted by individuals who are interested in returning to their country of origin. As such, it covers a wide range of issues relating, amongst other things, to the economic infrastructure, the housing and labour market in the country of origin or the country of onward migration, possible reconstruction assistance, medical services available locally, social issues and also training and further training possibilities. The information gathered by the ZIRF Counselling project is fully accessible to the public. The project was extended in 2007 and 2008 with an increasingly successful track record and was also available in 2009.

The Federal Ministry for Economic Cooperation and Development finances the Returning Experts Programme (Rückkehrende Fachkräfte), among others. This programme specifically supports the professional integration of university graduates and experienced experts from developing, emerging and transition countries, who have completed their training in Germany and are interested in returning to their countries of origin. As such,

the focus is on placing professionals in areas of particular relevance to development policy. In addition to placement and advisory services, the programme offers financial support to experts interested in returning to their own countries. Employers, too, can benefit from programme services such as assistance with recruiting employees. The Returning Experts Programme is also involved, inter alia, in the mobility partnership with the Republic of Moldova and facilitates re-entry of returnees to the labour market in that country. All in all, the programme is being implemented in around 20 countries (cf. BAMF/EMN 2010: 42). A number of other services aimed at helping labour migrants to return to their countries of origin are being offered at the level of the Federal Länder and municipalities and by private organisations (in this regard, cf. Schneider/Kreienbrink 2010: 61ff.).

2.2 Statutory and institutional framework

2.2.1 Review: recruitment and ban on the recruitment of foreign labour

With the advent of the so-called “economic miracle” of the 1950s in the Federal Republic of Germany, the demand for mostly unskilled or semi-skilled labour grew in agriculture and underground mining, and later also in other areas of industry. As this demand could not be adequately met by the domestic labour supply, workers were recruited from southern Europe and the Mediterranean region. The wave of recruitment began in 1955 when an agreement was concluded with Italy. Agreements on the recruitment of guest workers were subsequently concluded with Spain (1960), Greece (1960), Turkey (1961), Morocco (1963), Portugal (1964), Tunisia (1965) and Yugoslavia (1968). The oil price shock of 1973, which spelt the end of economic growth at least temporarily, put an end to the recruitment phase. After the Federal Cabinet adopted the so-called “ban on the recruitment of foreign labour” on 23 November 1973, third-country nationals were only allowed to enter the Federal Republic for the purpose of pursuing employment within very narrow margins.

In the late 1980s, despite the high general rate of unemployment, a shortage of labour began to manifest itself in certain sectors of West Germany’s economy (e.g. in agriculture and in the hotel and catering industry). This led to a partial relaxation of the ban on the recruitment of foreign labour. Foreign policy considerations also came into play in the wake of the upheavals of 1989. The aim of permitting the temporary employment of workers from the countries of Central and Eastern Europe was, inter alia, to help these countries to turn their economic systems into market economies, to intensify economic cooperation and to channel the migratory pressure from Central and Eastern Europe. Bilateral agreements concluded between governments since the late 1980s have created employment opportunities for contract workers, guest workers, seasonal workers and cross-border workers. By opening up these bilateral employment opportunities, Germany took an important step early on towards opening up the labour markets – once the transitional periods had expired – as envisaged within the framework of the enlargement of the European Union on 1 May 2004 and 1 January 2007.

2.2.2 Transitional periods for workers from the EU accession countries

In order to prevent disturbances of the labour markets of the old Member States, the possibility of a transitional period of up to seven years for the freedom of movement for workers from the “new” EU Member States was agreed in the accession treaties. Coupled with this is a transitional period granted to Germany and Austria alone for cross-border service provision in certain industries (for Germany: construction, industrial cleaning and interior decorating). This restriction in the freedom to provide services applies to workers who are seconded as part of cross-border service provision, but not to self-employed persons.

The transitional periods apply to all of the countries of Central and Eastern Europe which joined the EU on 1 May 2004, with the exception of Malta and Cyprus (EU-8), as well as to the countries of Bulgaria and Romania, which joined the EU on 1 January 2007 (EU-2). The transitional period, which can be up to a maximum of seven years, is divided into three phases. In the first two years after EU enlargement, access to the German labour market was subject to the national work permit legislation including bilateral agreements. Notwithstanding this, the old Member States reserved the right to open their labour markets in full or in part to workers from the new Member States during the first phase in accordance with national legislation. Germany availed itself of the opportunity to open its labour market by issuing a wide range of statutory and bilateral regulations. After the end of the initial phase, the Member States which had not granted freedom of movement had to notify the EU Commission whether they intended to uphold the restriction for a further period of three years or whether they were planning on opening up their labour markets. In April 2006, the Federal Government announced that it was availing itself of the second phase of transitional periods vis-à-vis the EU-8 countries.

After the end of this three-year phase, the Member States were able to extend the access restrictions for a further two years if they were experiencing serious disturbances in their labour markets or if there was a risk of such disturbances occurring. The Federal Cabinet resolved on 3 December 2008 also to avail itself of this third and final phase and to extend the transitional arrangements for the EU-8 countries until 30 April 2011 (cf. BMI/BMAS 2008: 3). In addition, a decision was taken to take up the second phase for Bulgaria and Romania. The Federal Government accordingly notified the EU Commission in December 2008 that it was extending the transitional period for Bulgaria and Romania and in April 2009 that it was extending the transitional period vis-à-vis the EU-8 countries. This means that the transitional periods will continue to apply until 30 April 2011 (EU-8) and 31 December 2011 (Bulgaria und Romania), respectively. As regards the EU-2 countries, it is possible to take up the third phase of transitional arrangements, i.e. to extend the transitional arrangements until 31 December 2013.

In parallel to extending the transitional periods, the access possibilities for workers from the new Member States were, however, extended under national law on 1 January 2009, in particular for academics by waiving the priority examination (cf. Section 2.2.5). If an old Member State controls access to its labour market under national law during the transitional period, nationals of the new Member States must not face greater restrictions than those which applied at the date of signature of the Accession Treaty (standstill clause). Germany hence upheld the liberalisation of its labour market within the framework of agreements concluded with various countries of Central and Eastern Europe on the employment of contract workers and guest workers, cross-border workers and seasonal workers for nationals of the accession countries.

The current basis of work permit legislation continues to apply to workers from the new EU Member States for the duration of the transitional arrangements. They will continue to require a work permit that is issued by the employment agency as an “EU work permit”. However, as EU nationals, they will require neither a visa to enter the Federal Republic nor a residence permit to reside here. It is standard procedure for them to be issued with a certificate confirming their right of residence.¹⁵

While the transitional arrangements are in force, the old Member States are obliged to grant nationals of the accession countries priority over nationals of third countries who enter the Federal territory for the purpose of employment (“Community preference”). In Germany, this requirement has been transposed in Section 39 subsection 6 of the Residence Act.

2.2.3 Access to the German labour market after the Immigration Act

When the Immigration Act came into force on 1 January 2005, Germany moved towards more regulated management of immigration. The backdrop of this act of law was, inter alia, the view that the Federal Republic had become an immigration country over the past few decades and that the applicable laws did not contain adequate regulations for controlling migration movements (cf. Schneider 2010: 195ff.). Although the Immigration Act, by and large, upheld the ban on the recruitment of foreign labour, particularly for unskilled and low-skilled workers, Section 18 subsection 1 of the Residence Act, which is a central part of the new Immigration Act, now explicitly stipulated that the admission of foreign employees must be “geared to the requirements of the German economy, according due consideration to the situation on the labour market and the need to combat unemployment effectively”.

One-stop government

This meant that access of third-country nationals to the German labour market was placed on a new footing. In particular, the points of interface between the competences

15 The Freedom of Movement Act/EU (Freizügigkeitsgesetz/EU) applies to EU nationals and their relatives, who may also be third-country nationals. By contrast, admission and residence of third-country nationals is governed by the Residence Act (Aufenthaltsgesetz).

of foreigners authorities and of the labour authorities were modified. The most important general provisions governing residence and access to the labour market have been integrated into the Residence Act since 1 January 2005. A separate Part (Part 8: “Involvement of the Federal Employment Agency”, Sections 39-42 of the Residence Act) and two ordinances having the force of law (Employment Ordinance and Ordinance on official procedures enabling resident foreigners to take up employment) regulate the assent procedure in relation to the admission of foreigners for the purpose of taking up employment for various sectors of the labour market. These regulations replace the dual approval procedure envisaged by the Foreigners Act of 1990 with a single administrative act (one-stop government). With the dual approval procedure, workers had to apply for residence (residence authorisation) and for access to the labour market (work permit) separately. Now, the foreigners authority issues the work permit together with the residence permit provided that this has been internally approved by the labour authorities.

The local foreigners authority is the first point of contact for queries relating to residence and taking up of employment and is responsible for issuing residence titles. However, before entering Germany, foreigners must apply for a visa at the German mission abroad in their country of origin – unless they do not require a visa. The mission abroad then consults the competent foreigners authority before taking a decision on the immigration application. The foreigners authority may subsequently contact the Federal Employment Agency. Third-country nationals who hold an unlimited settlement permit are permitted by law to take up gainful employment and do not require the explicit permission of the foreigners authority to do so, which means they do not need the approval of the Federal Employment Agency either.

Approval procedure

When third-country nationals apply for a residence title (a visa or residence permit) that would enable them to take up employment, the foreigners authority checks whether the employment is subject to approval or not. If the employment is subject to approval, the Federal Employment Agency is consulted. The Federal Employment Agency then checks whether the approval conditions are met in accordance with Section 39 of the Residence Act. There are a number of general conditions that must be met before approval is granted. Either it must be proven that the employment of foreigners does not result in any adverse consequences for the labour market and that no German workers, foreigners who possess the same legal status as German workers with regard to the right to take up employment or other foreigners who are entitled to preferential access to the labour market under the law of the European Union are available for this type of employment (e.g. EU nationals or nationals of a Member State of the European Economic Area) or it must have been established, via investigations for individual occupational groups or for individual industries, that filling the vacancies with foreign applicants is justifiable in terms of labour market policy and integration aspects (Section 39 subsection 2 of the Residence Act). It must also be ensured that the foreigner is not employed on terms less favourable than those which apply to comparable German workers.

If these general conditions are met, it is checked whether the individual employment purposes set out in the Employment Ordinance are also met (Groß 2006: 36). Employers provide the Federal Employment Agency with a detailed job description. The Agency then needs to check whether there are any other applicants who are entitled to preferential access to the labour market available on the regional or national labour market. Only if proof can be furnished that no such persons are available can the Federal Employment Agency issue approval vis-à-vis the foreigners authority for the foreign workers to take up employment (so-called priority examination).

Approval issued only applies to the residence title granted for a specific residence purpose. The foreigners authority must incorporate the conditions imposed in the Federal Employment Agency's approval (such as limitation of the approval, the type of employment, the employer or location and distribution of working hours) into the residence title.

In certain cases, both foreigners wishing to immigrate and foreigners already residing in Germany may be refused approval to pursue employment based on various criteria. Third-country nationals who are in possession of a residence title and who have been in jobs in which they are liable for compulsory social-insurance payments in the Federal Republic for at least two years are, however, given preferential access to the labour market. The approval issued by the Federal Employment Agency is limited to the duration of employment, up to a maximum of three years (Section 13 subsection 2 of the Ordinance on the admission of foreigners for the purpose of taking up employment).

All decisions taken in relation to the approval of gainful employment are at the discretion of the foreigners authority and the Federal Employment Agency. Foreigners have no legal entitlement to a decision in their favour by the authorities even if they fulfil the conditions for any of the employment purposes (Groß 2006: 37). Disputes relating to work permits refer to the issued residence title and must therefore be settled in the administrative (not the labour) courts.

2.2.4 Exemptions from the ban on the recruitment of foreign labour

Beyond the ban on the recruitment of foreign labour, which, in principle, remains in place for third-country nationals who are unskilled, semi-skilled or have ordinary qualifications, there are several exemptions, inter alia, for experts, certain employment groups and special sectors of the labour market that are regulated in the Ordinance on the admission of foreigners for the purpose of taking up employment. As such, a distinction needs to be made between types of employment that are subject to approval by the Federal Employment Agency because certain aspects of the labour market need to be taken into account and types of employment that are subject to decisions by the foreigners authorities alone. Certain temporary residence purposes, in particular, such as traineeships, holiday employment, participation in international sporting events and recruitment of highly skilled persons in a range of jobs and as technical personnel and teachers (Sections 3-15 of the Ordinance on the admission of foreigners for the purpose of taking up employment), are not subject to approval. In all other cases (some of which require completion of vocational training), the approval of the Federal Employment Agency is required before a residence

title can be issued. Such cases include seasonal employment in agriculture and forestry (cf. Section 2.2.5), employment as an au pair, specialty chefs, social work and nursing staff, but also IT experts (cf. Sections 18-31 of the Ordinance on the admission of foreigners for the purpose of taking up employment).

2.2.5 Most important types of labour migration today

Bilateral agreements and seasonal workers

After the Iron Curtain came down, bilateral agreements were concluded with the majority of the countries of Central and Eastern Europe on access to the labour market for workers from the signatory states. They are still valid today.

- Agreements on contract workers allow companies in the partner countries to second their workers to Germany for a limited period of time for the purpose of completing work in cooperation with a German company (Section 39 of the Ordinance on the admission of foreigners for the purpose of taking up employment). The number of workers who can be seconded within the framework of these agreements is limited on a quota basis and is adapted to developments on the labour market each year. In the period between October 2008 and September 2009, the quota encompassed a total of 46,740 workers from all 13 signatory states.¹⁶ However, quotas have only been partially utilised in the past few years. In 2008, only 16,576 contract workers were employed in Germany (cf. BMI 2010: 82).
- Agreements on guest workers (Section 40 of the Ordinance on the admission of foreigners for the purpose of taking up employment) were concluded with 14 countries from Central and Eastern Europe. Within the framework of these agreements, workers from the signatory states can be employed for the purpose of undergoing advanced vocational and language training for up to 18 months. Here, too, the number of workers is limited on a quota basis and currently totals 11,050. In recent years, this quota has not been fully tapped either. In 2008, only 742 guest worker placements were registered (BMI 2010: 92).

16 Bosnia-Herzegovina, Bulgaria, Croatia, Czech Republic, Slovakia, Serbia, Latvia, Macedonia, Poland, Romania, Slovenia, Hungary and Turkey. Within the framework of agreed upon maximum numbers, workers from these countries may temporarily be employed in order to carry out contract assignments between their employer and a German business (employment contingents). The European Court of Justice has recently decided that the contingents in Germany need to be open to businesses from other EU member states (Case C 546/07).

- The admission of foreign seasonal workers, most of whom are employed as harvesters in the agricultural sector, is limited to countries with whose labour authorities the Federal Employment Agency has reached an arrangement on job placement.¹⁷ The duration of employment of individual workers is limited to a maximum of six months per calendar year and farms may normally employ foreign seasonal workers for a maximum of eight months per calendar year, depending on the sector (Section 18 of the Ordinance on the admission of foreigners for the purpose of taking up employment).

Higher education graduates and skilled workers

Between 1 January 2005, the date on which the Immigration Act entered into force, and the end of 2008, skilled workers from third countries who had obtained a university, university of applied sciences or other comparable qualification majoring in the field of information and communications technology were granted a temporary residence permit with the approval of the Federal Employment Agency. Furthermore, residence permits were also granted to foreigners pursuing employment in other academic professions if this was in the public interest owing to their specialist know-how.

With the entry into force of the Second Ordinance amending the Employment Ordinance on 1 January 2009, Section 27 of the Employment Ordinance was relaxed and access to the labour market was facilitated for academics from third countries. It stipulates that skilled workers who hold a foreign university degree which is recognised or comparable to a German university degree as well as skilled workers who hold a qualification which is comparable to a recognised foreign university degree majoring in the field of information and communications technology (ICT) can be granted a residence title in order to pursue employment. This amendment opened up the labour market for all academic specialisms beyond the ICT sector. The previous requirement of there being a public interest in the employment has been abandoned. However, the priority examination continues to apply for these two groups.

Having successfully completed their studies at a German higher education institution, third country nationals' residence permits that were issued for study purposes can be extended for up to one year to enable them to seek employment that is commensurate with their qualifications. During this time, foreign graduates can look for and accept a job without having to undergo a priority examination by the Federal Employment Agency. However, the approval of the Federal Employment Agency must still be obtained.

The Federal Employment Agency allows the following categories of foreigners to take up employment without a priority examination:

- Skilled workers with a degree from a German university or other institution of higher education;

17 Arrangements currently exist with the EU Member States of Poland, Slovenia, Hungary, Slovakia, Czech Republic, Romania and Bulgaria as well as the third country Croatia (cf. BMAS/BMELV 2010: 6).

- Former students of German schools abroad who hold a foreign university degree which is recognised or comparable to a German university degree;
- Skilled workers who have completed recognised vocational training in Germany in a state-approved occupation or an occupation subject to similar regulations.

In 2009, the Federal Employment Agency approved work permits for 2,418 skilled workers who hold a foreign university degree that is recognised in Germany. It approved work permits for a further 2,465 ICT specialists who hold a foreign university degree and work permits for 4,820 skilled workers who hold a German higher education degree and in 27 cases, it approved work permits for graduates of German schools abroad.¹⁸

Highly qualified migrants

Highly qualified foreigners who have a relevant job offer and who meet the other requirements may be admitted to the labour market without having to obtain the Federal Employment Agency's approval (Section 19 in conjunction with Section 42 of the Residence Act and Section 3 of the Employment Ordinance). In this case, the foreigners authority alone takes the decision on whether or not to immediately grant a settlement permit that is permanent and entitles the highly qualified migrant to take up gainful employment without any restrictions.

Researchers

The foreigners authority or German mission abroad issues foreigners with a residence permit or visa for research purposes if they have concluded a valid admission agreement with a research organisation for the purposes of carrying out a research project. Before a research organisation can admit a foreign researcher, it must be recognised by the Federal Office for Migration and Refugees for implementation of the special admission procedure for researchers in the Federal territory. The research organisation can then conclude an admission agreement directly with the researcher.

The provisions governing the issuing of a residence permit to a researcher (Section 20 of the Residence Act) and the recognition procedure for research organisations (Sections 38 a-f of the Ordinance governing residence¹⁹) transpose the so-called EU Researcher Directive²⁰ into national law.

Self-employment

Nationals of third countries may be granted a residence permit in order to set up their own business if there is an overriding economic interest or a special regional need and if the activity is likely to have positive effects on the economy. As a rule, these preconditions are met if at least € 250,000 is invested and five jobs are created. At the same time, however, it

18 Source: Federal Employment Agency.

19 Aufenthaltungsverordnung.

20 Council Directive 2005/71/EC of 12 October 2005 on a specific procedure for admitting third-country nationals for the purposes of scientific research.

must be ensured that the finance is in place to fund the start-up either through equity capital or through an approved loan. When the Immigration Act 2005 entered into force, the minimum investment was € 1,000,000 and at least ten jobs had to be created. These requirements were reduced in two steps; the above-mentioned new regulations entered into force on 1 January 2009 (cf. Schneider 2009: 53ff.).

Family members

Dependents who come to Germany for the purposes of family reunification are entitled to pursue an economic activity if the foreigner whom the subsequently immigrating dependents are joining is himself entitled to pursue an economic activity; taking up gainful employment is normally also possible where marital cohabitation has lawfully existed in the Federal territory for at least two years. A further requirement is that the residence permit of the foreigner whom the subsequently immigrating dependents are joining is not subject to a subsidiary provision pursuant to Section 8 subsection 2 or where extension of his or her residence is not excluded by law or by an ordinance (Section 29 subsection 5 of the Residence Act). This means that family members who come to Germany to join a foreigner who is already residing in Germany have the same access to the labour market as the foreigner him/herself; no additional waiting times apply. Since the Ordinance on official procedures enabling resident foreigners to take up employment of 10 November 2008 was amended on 1 January 2009, it has been possible for family members of certain skilled workers to be granted permission by the Federal Employment Agency to pursue an economic activity without a so-called priority examination (Section 8 of the Ordinance on official procedures enabling resident foreigners to take up employment).

2.2.6 Changes in German migration policy in 2009

Numerous legal amendments that were intended to facilitate the admission of highly qualified migrants, students and researchers entered into force in Germany when the Labour Migration Control Act (Arbeitsmigrationssteuerungsgesetz) took effect on 1 January 2009. In addition, access to the labour market was facilitated for persons whose deportation has been temporarily suspended (so-called “tolerated stays”):

- In order to retain highly qualified migrants and to encourage them to immigrate to Germany, a new annual calculation basis was introduced for the minimum income ceiling for granting a settlement permit to specialists and executive personnel with special professional experience (Section 19 subsection 2 (3) of the Residence Act). For 2009, the income requirement was hence reduced by around 25 percent to € 64,800.
- For stays of researchers in accordance with Council Directive 2005/71/EC of 12 October 2005 on a specific procedure for admitting third-country nationals for the purposes of scientific research, the addition of Section 20 subsection 6 sentence 2 of the Residence Act meant that entitlements would not be withdrawn as a result of changes to the research project during the period of residence.

- The minimum sum of investment for foreigners setting up their own business pursuant to Section 21 subsection 1 sentence 2 of the Residence Act was reduced from € 500,000 to € 250,000.
- For foreigners who have occupational qualifications and are well-integrated and whose deportation has been temporarily suspended, Section 18a of the Residence Act has created a new legal basis for granting a residence permit for the purpose of employment. In these cases, the Federal Employment Agency approves the issuing of residence permits without a priority examination (cf. Section 2.2.5). These foreigners have unlimited access to the labour market once they have been employed for two years in a job that is commensurate with their qualifications. In addition, foreigners whose deportation has been temporarily suspended have, under certain conditions, been made eligible for educational grants.
- The labour market has been liberalised for academics from third countries, although in the majority of cases this is subject to priority examination; however, no priority examination is conducted for their family members.
- No priority examination is conducted for former students of German schools abroad. This applies to all students who have completed relevant vocational training and have subsequently found employment in the occupation in which they were trained and to graduates if they are employed in a job that corresponds to their qualifications.
- No priority examination is conducted for foreigners whose deportation has been temporarily suspended and who wish to commence training. The examination of working conditions is also waived.²¹ This provision supplements the regulations on the granting of residence permits to specialists whose deportation has been temporarily suspended set forth in the Labour Migration Control Act.

In addition, several amendments that extend beyond the action programme “Contribution towards securing the skilled labour basis in Germany by labour immigration” of 2008 have been made in order to support the action programme’s objective of strengthening the skilled labour base:

- No labour market priority examination is conducted for the family members of executive staff, researchers or guest researchers. These three groups of persons also encompass highly qualified migrants who already have access to the labour market.

²¹ Cf. Section 10 subsection 2 sentence 1 no. 1 of the Ordinance on official procedures enabling resident foreigners to take up employment.

- No priority examination is conducted for senior executives and persons with company-specific knowledge, or their family members, in the case of intra-corporate transfers to Germany.
- The way has been paved for intra-corporate transferees wishing to undergo skilled in-company training in Germany for up to three months as the approval of the Federal Employment Agency is no longer required.

When the Labour Migration Control Act entered into force, the maximum employment duration for seasonal workers in Germany was extended from four to six months per year. This is intended to help enhance the prerequisites for recruiting seasonal workers in Germany. Over the course of 2009, the Federal Employment Agency says that 294,828 seasonal workers were employed in Germany. This means that the total number of seasonal workers who came to Germany was 9,611 higher than in 2008 (285,217) (cf. BAMF/EMN 2010: 28).

The crisis afflicting the financial markets and the global economic downturn have presented Germany and many other countries with huge economic and social challenges. The Federal Government has identified the need to secure jobs as a prime task. The Act to Safeguard Employment and Stability in Germany (Gesetz zur Sicherung von Beschäftigung und Stabilität in Deutschland), which was adopted on 20 February 2009, marks the attempt to optimise options for action on the labour market in order to help secure jobs in the short to medium term. The measures provided for in the Act include, inter alia, simplifying the use of short-time work for companies and employees, stabilising the statutory rate of contribution to unemployment insurance at 2.8 percent until the end of 2010, stepping up the promotion of activation and skills upgrading measures as well as other stabilising measures (cf. Bundesregierung 2009: 32). However, in the Federal Government's opinion, there has been no need so far to amend the statutory regulations governing migration for employment purposes against the backdrop of the economic and financial crisis.

Beyond the above-mentioned statutory amendments and measures implemented at federal level, so-called Welcome Centres are currently being set up as a means of facilitating the migration of highly qualified migrants. The municipality of Hamburg (in 2007) and the municipality of Dresden (in 2008), for instance, set up Welcome Centres for highly qualified migrants where they receive advice free of charge on issues like working, studying, housing and family. A number of universities have also set up this type of establishment (e.g. Bonn, Konstanz). The Alexander von Humboldt Foundation, "Stifterverband für die Deutsche Wissenschaft" (the business community's innovation agency for the German science system) and "Deutsche Telekom Stiftung" (Deutsche Telekom Foundation) have launched their own programme in a bid to strengthen the international competitiveness and attractiveness of German universities by setting up their own welcome centres for international mobile researchers. The programme promotes the development of structures in support of international mobile researchers and their families at German universities within the framework of competition. As such, the focus is on leveraging and providing available know-how, on structuring procedures and on fostering networking among players within universities more effectively.

A number of initiatives launched by the Federal Government, particularly via the Internet, are helping to enhance the information base – and hence Germany’s attractiveness as a country of destination for potential immigrants. In addition to information material supplied by the competent Federal Ministries, the Federal Employment Agency and the Federal Office for Migration and Refugees, specific online portals provide information for potential immigrants who are interested in spending time in Germany for the purposes of academic research or economic activity: The portal www.research-in-germany.de is maintained by the Federal Ministry of Education and Research and promotes Germany’s advanced academic, research and development landscape. The Federal Foreign Office maintains the portal www.young-germany.de. The portal provides information in English on careers, education and lifestyle specifically geared to young people. Foreign students or school leavers who are interested in studying in Germany can also obtain information from the website www.campus-germany.de, which is hosted by the German Academic Exchange Service (Deutscher Akademischer Austauschdienst). The Federal Ministry of Economics and Technology provides comprehensive information for foreign businesspeople and entrepreneurs in a special portal (www.german-business-portal.info). On a separate website (www.existenzgruender.de), this Ministry provides information on the general conditions for setting up a business.

2.3 Public debate and the involvement of stakeholders

Labour migration has repeatedly been the topic of public debate in the Federal Republic in the past few decades. Since the recruitment phase for foreign workers began in the 1950s, relevant interest groups have been involved in the policy-making process.

Role of interest organisations

Unlike in the traditional countries of immigration, it was almost exclusively macro-economic and economic policy motives that guided and determined migration policy in Germany. As early as 1953, in anticipation of labour shortages, the Federal Ministry of Labour presented a “Labour budget” which predicted a shortage of labour for the years to come (cf. Steinert 1995: 217). After concluding agreements on labour recruitment (cf. Section 2.2.1), the respective quotas were determined on the basis of the demand for labour in a dialogue between the Federal Government, the labour authorities (Federal Employment Agency) and business associations on an ad hoc basis. The selection of foreign workers was controlled by the government via administrative channels. In cooperation with the labour authorities, so-called recruitment committees were set up that carried out the selection process as well as medical examinations of applicants in the recruitment countries (cf. Dohse 1981: 181ff.). The role of trade unions focused mainly on preventing the payment of substandard wages and on enhancing working conditions for labour migrants who were recruited. All in all, the motives and positions of the Federal Ministries involved were similar to those of employers’ and employees’ associations.

In 1973, the Federal Government imposed a ban on the recruitment of foreign labour. An action programme was launched to consolidate the employment of foreigners and to reduce the burden on the social infrastructure imposed by the around four million foreigners

living in Germany. The programme also mentioned the need to integrate immigrants into German society for the first time. In the years and months that followed, a number of government committees were set up, whose members included trade unions, business associations and welfare organisations and which made proposals for the further development of the labour migration policy and on the integration of foreign workers (cf. Schneider 2010: 125ff.). As these players were able to bring their influence to bear on policy-making, Germany's foreigners' policy of the 1970s and 1980s has been used as an example of corporatist policy-making in networks (Katzenstein 1987).

Political debate

The agreements on labour recruitment aimed at using immigration to meet the demand for labour in the 1950s and 1960s were bilateral agreements that were concluded by the Federal Government; during this phase, the parliamentary level of the German Bundestag had very little involvement and the discussions were conducted mainly among circles of experts and interest representatives. The reading and adoption of the first Foreigners Act in the Bundestag in 1965 did not spark much public debate or party-political disputes either (cf. Dohse 1981: 177; Schönwälder 2001: 349ff.).

There was no clear sign of competition emerging between the political parties until the late 1970s when the number of asylum seekers began to rise and issues of nationality and integration moved into public awareness. Migration policy became the topic of parliamentary debate and the subject matter of disputes marked by party politics and election tactics. In view of the ban on the recruitment of foreign labour imposed in 1973 and the sharp rise in unemployment, public debate at best scratched the surface of the issue regarding further labour migration. It continued to be controlled by exemptions, as it became clear soon after the ban on the recruitment of foreign labour was imposed that the demand for labour would have to be covered by foreign labour in some industries even though unemployment was climbing (cf. Sachverständigenrat 2004: 129). However, the issuing of a relevant catalogue of exemptions for temporary labour migration (which was subsequently regulated by the Ordinance on Exemptions from the general Recruitment Stoppage and the Ordinance Governing Stays for Employment Purposes) was not accompanied by intensive political debate.

While the information society was emerging in the late 1990s, Germany – like other European countries – ran the risk of losing out on additional economic growth owing to its inability to leverage the full market potential offered by information and communications technologies. Both the scientific community and IT industry employers and industrial associations assumed there would be a clear demand for migrant specialists in the new millennium; as early as 1999, a working group within the Alliance for Jobs, Training and a Competitive Germany responded to the predicted demand for specialists by implementing a package of training and advanced training measures (cf. Welsch 2000, 2001). The Federal Government issued an emergency programme to meet the demand for IT specialists (by issuing so-called green cards), within the framework of which up to 20,000 temporary work permits were to be issued, allowing IT specialists to work in Germany for up to five years. The green card represented above all an administrative simplification as highly qualified

migrants were no longer required to go through the Embassies. IT specialists were able to receive assurance of a work permit and the necessary visa directly via the labour authorities. The need to carry out an assessment of the situation prevailing on the labour market (labour market needs test), which was generally most time-consuming, was also dispensed with (cf. Kolb 2005). The regulation was announced by the then Federal Chancellor Gerhard Schröder at the CEBIT II trade fair in February 2000 in a high profile statement. It received a by and large positive response from interest groups and fuelled intensive discussions about regulations governing the recruitment of foreigners in a number of other occupations and professions experiencing a shortage of labour. By the end of 2004, around 17,000 green cards had been issued. When the Immigration Act entered into force on 1 January 2005, the green card was replaced by the Residence Act and the Employment Ordinance issued by the Federal Ministry of Economics and Labour in this context. Under the new law, pursuant to Section 19 of the Residence Act, foreign IT specialists can be admitted as highly qualified migrants or, pursuant to Section 18 of the Residence Act in conjunction with Section 27 of the Ordinance on the admission of foreigners for the purpose of taking up employment, they can be admitted as qualified IT specialists.

Independent Commission on Migration and “Expert Council on Immigration and Integration”

This discussion on immigration, which was conducted in a positive light, was also fuelled by the signs of demographic ageing of society and the risks this poses to social security systems. The correlation between offsetting the decline in the birth rate and facilitating immigration gradually made its way into the topical political debate as the green card was being introduced.

The initiative launched by the Federal Chancellor was followed by the establishment of an Independent Commission on Migration to Germany by the then Federal Minister of the Interior, Otto Schily. The Commission was requested to examine, inter alia, what legislative, administrative, organisational and other measures needed to be implemented in order to manage and limit immigration and according to what criteria and principles and within what institutional or organisational framework immigration requirements should be determined. The members of the Commission, which presented its comprehensive recommendations for a future immigration and integration policy on 4 July 2001, included experts of the scientific community, representatives of a number of religious communities and the UNHCR as well as a number of other experts, well-known trade union representatives and employers' associations. The Commission recommended that the scope of immigration be determined and managed flexibly on the basis of scientific findings and statistical data. This was to be accomplished, on the one hand, by introducing a points system through which job applicants were to be selected regardless of the situation prevailing on the labour market at any given time according to a number of criteria, such as age, knowledge of the German language and level of education. In addition, the Commission recommended that foreigners should have simplified access to gainful employment in Germany in sectors of the labour market that were experiencing labour shortages. As such, the principle according to which priority is given to German nationals and EU nationals was no longer to be safeguarded by conducting an individual examination into every single job, instead

the plan was to use labour shortage diagnosis backed by statistics or a market-economy allocation process (cf. Unabhängige Kommission Zuwanderung 2001: 101ff.).

A number of recommendations put forward by the Commission were incorporated into the draft of the Immigration Act that was subsequently drawn up. They included the establishment of a Council of Experts for Immigration and Integration composed of experts in labour-related immigration with a scientific, trade union or business background. The Expert Council on Immigration and Integration further developed the Commission's strategies and presented supplementary proposals for using an indicator-based system to organise the immigration of highly qualified persons in order to reduce labour shortages in specific sectors (cf. Sachverständigenrat 2004: 220ff.). The debate on the Immigration Act (cf. Chapter 2.2) was marked by heated political debate as the Act needed to be ratified by the Bundesrat. Since the prime goal was to limit immigration to Germany and to reduce security risks posed by immigration, only a few of the proposals put forward by the consulting bodies for the management of labour were incorporated into the Immigration Act adopted in 2004; the points system proposed was never implemented (cf. Schneider 2010: 278ff., Angenendt 2008). The Council of Experts for Immigration and Integration did not continue as a permanent advisory body.

“Alliance for Labour”

As provided for in its action programme “Contribution towards securing the skilled labour basis in Germany by labour immigration” of 16 July 2008,²² the Federal Government set up an Alliance to advise the Federal Government on matters relating to the demand for labour (Alliance for Labour) in the spring of 2009 which was chaired by the former Minister of Labour and Social Affairs, Olaf Scholz (SPD). The Alliance for Labour was to provide a permanent platform for a public debate on the demand for labour in Germany and is also to be continued by the new Federal Government in the 17th legislative period.

The task of the Alliance is to contribute towards securing the labour basis in Germany. The future strategic alignment of the alliance for labour will aim for a more regional approach. Thus, regionally anchored actors in the business environment will be integrated into the process.

22 Cf. Schneider/Parusel 2009: 13f.

3 Practice, mechanisms and scope of economic migration policy

3.1 Implementing an immigration policy that is oriented to the economy

3.1.1 Mechanisms used to identify labour shortages

Survey conducted by the Institute for Employment Research on the national supply of labour

The Institute for Employment Research in Nuremberg (IAB) has been conducting a “survey on the aggregate national supply of labour” since 1989. It is regarded as the only representative survey in Germany that measures the development of the aggregate demand for labour based on reliable statistics. Analyses carried out on the basis of this survey help to examine the causes and scope of skilled labour shortages and to use this information as a basis for advising companies and politicians on how these labour shortages can be counteracted.

The survey covers all companies and administrative agencies that have at least one employee who is liable for compulsory social-insurance payments. A disproportionate, stratified, random sample of around 75,000 companies and administrations is drawn from this survey population once a year using an address database from the Federal Employment Agency’s employment statistics. The random check is broken down into 28 sectors of the economy, eight categories of company sizes (based on the number of employees liable for compulsory social-insurance payments) and the 16 Federal Länder. In the fourth quarter of every year, all companies and administrations involved in this random check receive a letter containing a questionnaire and a brief explanation of the questionnaire. All addressees are requested to complete the questionnaire by early November and to return it to the Institute. Companies and administrations that fail to respond to the letter receive a reminder, requesting them once again to participate in the survey. In 2008, around 13,600 companies and administrations with a total of 1.8 million employees liable for compulsory social-insurance payments took part in the survey on the aggregate national supply of labour (cf. Heckmann/Kettner/Rebien 2009: 5).

In the first, second and third quarter, brief telephone interviews are conducted with the companies and administrations in order to update developments in the demand for labour on an ongoing basis. On average, these telephone interviews only take five minutes to conduct. The information provided by the companies and administrations participating in the survey is extrapolated to the economy as a whole using iterative extrapolation methods. This enables information backed by statistics to be provided on the demand for labour and on the progress made in staffing processes in the individual industries and regions and for the various sized companies. Using a variety of weighting concepts it is possible to highlight

trends that are not marked by individual examples – as frequently portrayed in the media – but are deemed to be representative of industries and regions, etc. The data used in the survey is highly relevant for the Institute for Employment Research's advice on policy-making at federal level and at the level of the Federal Länder as well as in Europe. The survey data is also used for the purposes of scientific analyses.

Additional mechanisms and analyses

In addition to the representative survey conducted by the IAB, employers' associations and economic research institutes also analyse the situation on the labour market in Germany. In 2009, for instance, the Cologne Institute for Economic Research examined German industry's demand for specialists in the area of the so-called "MINT" (mathematics, informatics, natural sciences and technology) professions (cf. Arbeitgeberverband Gesamtmetall 2009). The statistics on job vacancies maintained by the Federal Employment Agency are the most important source of data for any such analyses (cf. Section 3.2.1).

The international employment agency Manpower Inc. carries out the so-called Manpower Employment Outlook Survey every three months. It is an international comparative study used to assess future labour market trends in several countries. It uses a representative sample of employers from throughout the countries where it is conducted, measuring their expectations regarding the employment situation of their own company over the next three months. The results are broken down into industries and regions and are noted by economists, labour market experts and financial analysts. 1,017 employers throughout the Federal Republic were interviewed for the Manpower Employment Outlook Survey conducted in Germany in the 2nd quarter of 2010 (cf. Manpower Inc. 2009: 4).

Within the framework of the Alliance for Labour launched by the Federal Government, a system is currently being developed that will determine the demand for labour (cf. Section 3.2.1.5).

3.1.2 Matching job descriptions and qualification profiles (job matching)

High priority is attached to so-called job matching within the framework of Germany's labour market policy, which involves finding the best fit between job seekers and job vacancies. From the Federal Government's perspective, it is important to integrate and re-integrate job seekers into the labour market more swiftly than ever before. To this end, with the Act on the Reorganisation of Labour Market Policy Instruments (Gesetz zur Neuausrichtung der arbeitsmarktpolitischen Instrumente) which entered into force on 1 January 2009, inter alia, job placement was strengthened as the backbone of labour market policy and red tape was to be slashed (cf. Bundesregierung 2009: 30f.).

However, endeavours to expedite job matching and to find the best possible fit relate primarily to job seekers who are already residing in Germany. Within the framework of granting work permits to foreign job seekers and potential labour migrants, matching is only used occasionally. As Germany does not systematically pursue recruitment of foreign labour, it is basically up to the respective employer to examine whether a foreign applicant

is suitable for a certain job. The employer himself must ensure that a foreign applicant meets the requirements of his business in terms of training, qualifications and language skills.

However, a priority examination is carried out by the Federal Employment Agency before a work permit is granted to facilitate matching. Within the framework of an approval procedure carried out within public authorities that is used for foreigners coming from countries which do not belong to the European Economic Area (EEA) – apart from a few exceptions – the foreigners authority responsible for issuing the work permit consults the Federal Employment Agency. This procedure applies both to new labour migrants and to foreigners who are already residing in Germany. The Federal Employment Agency can only approve the granting of a residence title for the purposes of pursuing employment if the employment of foreigners does not result in any adverse consequences for the labour market, if no German workers or foreigners who possess the same legal status as German workers with regard to the right to take up employment, or other foreigners who are entitled to preferential access to the labour market, namely nationals of EEA countries, Switzerland and foreigners possessing the same legal status as German workers, are available (priority examination), and if the foreigner is not employed on terms less favourable than those that apply to comparable German workers. The Federal Employment Agency must hence also examine, *inter alia*, whether applicants who have priority and meet the requirements of the job vacancy are available on the regional or national labour market (cf. Bundesagentur für Arbeit 2009: 19).

Job matching is also of paramount importance for certain types of labour migration to Germany where foreign workers are placed with German employers, for instance when guest workers (cf. Section 2.2) and persons in the caring professions are placed in jobs. In these cases, the central function of placement is undertaken by the Central Placement Office for Work Abroad and Specialised Workers of the Federal Institute for Employment. It examines whether certain minimum requirements are met in terms of the applicants' qualifications, for instance, whether they have a relevant academic degree or vocational training.

Job matching also plays an indirect role in respect of labour migrants who are already residing in Germany as part of the recognition of international qualifications and degrees. The Central Placement Office for Work Abroad and Specialised Workers of the Federal Institute for Employment has been offering an advisory service on the recognition of international qualifications and degrees for the past two years. In principle, a distinction is made between “non-regulated” and “regulated” occupations and professions. The majority of occupations and professions in Germany are non-regulated (e.g. mathematicians, physicists, commercial occupations). There is no statutory provision governing professional or vocational training for these occupations and professions, which means there is no recognition procedure either; it is actually the employer who has to recognise the qualifications. In this regard, it may be useful to apply to have professional qualifications assessed. This enables employers to gain a better understanding of international qualifications and degrees.

As regards the around 60 regulated occupations and professions (e.g. physicians, teachers, opticians), entry to, and the entitlement to work in, these occupations and professions in accordance with certain statutory and administrative provisions are subject to proof being furnished that the job applicant holds certain qualifications. Anyone holding foreign qualifications who would like to work in a regulated occupation or profession must submit their qualifications to the competent German authorities or relevant professional association for recognition purposes (cf. Section 3.1.3).

Intercultural skills in relation to job placement

Surveys conducted in the area of job placement by the Federal Employment Agency and the job centres of the joint initiatives²³ have shown that there is a need to give more consideration to the “migration background” attribute in respect of migrants who are looking for jobs (cf. IAQ et al. 2009: 25). According to a study conducted on behalf of the Berlin Senate Department for Integration, Social Affairs and Labour on the intercultural opening of the Berlin job centre, the potential offered by persons with a migration background can be conveyed as an advantage to potential employers in the job placement process, particularly as persons with a migration background tend to speak several languages, are familiar with other cultures and have experience in living abroad. However, up to now, the majority of placement officers have not really been aware of these benefits; rather, it seems that they tend to associate the “migration background” attribute with low qualifications and poor knowledge of the German language (cf. Stern et al. 2008: 24). Surveys of persons with a migration background who are looked after as customers in the area of job placement have highlighted the need to enhance the diversity skills of employment agencies and job centres so that more productive use can be made of the benefits offered by customers with a migration background for placement purposes (cf. Schneider et al. 2008: 30f.). In this context, the Federal Government and the Federal Employment Agency made an appeal in early 2009 for a greater focus to be placed on the special qualifications and strengths of migrants at all levels.²⁴

Even in the National Integration Plan of 2007, it was proposed that in the area of integrating migrants into the labour market a greater focus be placed on developing individual job-seeker profiles, incorporating the special cultural and linguistic assets of persons with a migration background into the placement process. As such, irrespective of the formal recognition of professional qualifications, formal and informal knowledge and skills need to be taken into account in order to make the potential of migrants transparent in the application procedure, thereby creating a starting point for job matching aimed at promoting integration into the labour market (cf. Bundesregierung 2007: 78). One possibility that is being discussed is to incorporate certain features and skills of customers with a migration

23 The joint initiatives are regional facilities where agencies of the Federal Employment Agency cooperate with local authorities in order to safeguard integration into the labour market and the management of unemployment benefits in accordance with Book II of the German Code of Social Law.

24 cf. “Stärken erkennen, Potenziale fördern – Besondere Qualifikationen von Migranten besser nutzen” (Identifying strengths – promoting potential – making better use of migrants’ special qualifications), Press Info 012 of the Federal Employment Agency of 9 February 2009.

background into the electronic data processing system VerBIS,²⁵ which is to be used to help match job seekers with vacancies; however, this is where issues such as data protection and the potential for discrimination/stigmatisation need to be taken into account (cf. Stern et al. 2008: 30).

3.1.3 Mechanisms for recognising immigrants' qualifications

In addition to informal skills which labour migrants may bring, it is above all a matter of determining and recognising formal occupational and professional skills, examination achievements and certificates and qualifications, all of which have commanded special attention recently. Studies conducted have shown that migrants tend to be overqualified for their jobs and that some skills they offer, many of which are urgently needed, tend not to be used to their full potential, for instance, because qualifications acquired abroad are not recognised ("brain waste"; cf. Englmann/Müller 2007). In Germany, the Federal Länder are responsible for assessing occupational and professional skills and for recognising qualifications acquired abroad, yet the regulations issued by the Federal Länder tend to vary. For occupational profiles that are not regulated by governments or other government agencies, self-governing bodies such as professional associations or chambers may be responsible for recognising qualifications.²⁶ In addition to the regulated occupations and professions found mainly in healthcare, teaching, technology, crafts and engineering, the administration of justice, the food industry, agriculture and forestry, accountancy and taxation, there are also occupational profiles where persons wishing to take up employment do not require any special recognition procedure.²⁷ However, depending on which Federal Land and/or what chamber is responsible, the requirements tend to vary greatly. This is what prompted several Federal Länder to publish information brochures providing information about the recognition of international school and vocational qualifications and indicating the organisations to which applications for the recognition of qualifications should be sent.

The Central Office for Foreign Education as the competent agency of the Standing Conference of the Ministers of Education and Cultural Affairs of the Länder in the Federal Republic of Germany manages the ANABIN database. ANABIN stands for "Anerkennung und Bewertung ausländischer Bildungsnachweise" (Recognition and Evaluation of Foreign Education Certificates).²⁸ The aim of the ANABIN database is to inform the responsible ministries in the Federal Länder, universities and other authorities responsible for the recognition of foreign university qualifications and the interested public about foreign university systems and their qualifications.

25 With the administrative software VerBIS (job placement, career guidance and information system), the programmes for career guidance and job placement which had previously been separate were integrated in 2005/2006. With the exception of local authorities responsible for the long-term unemployed which use their own software, all employment agencies and communities use this career guidance and job placement software.

26 Owing to the large number and heterogeneity of recognition procedures, the individual systems and mechanisms cannot be outlined in detail in this study. For information on occupational and professional profiles, please consult IQ 2007: 25ff.; for comprehensive information on the general problem associated with recognising international qualifications in Germany, please consult Englmann/Müller (2007).

27 In principle, a distinction is made in Germany between regulated academic professions, non-regulated academic professions and occupations defined in the Crafts Code (Handwerksordnung) and the Vocational Training Act (Berufsbildungsgesetz).

28 <http://www.anabin.de>

Deficits in the area of recognition

Owing to the lack of transparency regarding the competencies and the large number of contact partners in the federal system, it can be difficult, if not impossible, for new immigrants to have their qualifications recognised (IAQ et al. 2009: 138).²⁹ The possibility of having qualifications recognised also depends on the quality of the professional qualifications. According to a study conducted by the Institute for Work, Skills and Training at the University of Duisburg-Essen, for instance, one-third of immigrant academics receiving unemployment benefits in accordance with Book II of the German Code of Social Law managed to have their qualifications recognised whereas only one-tenth of skilled migrants managed to have their vocational training certificates recognised. As such, major disparities were identified in terms of the immigrants' country of origin. This manifested itself most notably in the group of ethnic German resettlers from Eastern Europe. In this group, between one-third and just under 50 percent have a vocational training qualification that was not recognised in Germany (cf. Brussig et al. 2009: 7). The representative "Sample Survey of Selected Migrant Groups in Germany" conducted among the five largest groups of foreigners residing in Germany³⁰ in 2006/2007 showed that just under half (48.4 percent) of labour migrants participating in the survey who had completed vocational training in their country of origin had not managed to have the occupation in which they had trained formally recognised in Germany. The quota was particularly high among Turkish nationals (52.7 percent) and Polish nationals (56.5 percent) (cf. Babka von Gostomski 2010: 98f.). Integration experts involved in the area of integration into the labour market have also identified a need for advisory services on the recognition of immigrants' qualifications. Owing to the heterogeneous structure, however, immigrants do not yet have any nationwide possibilities of subsequently acquiring qualifications (for instance, by having direct access to or being able to prepare themselves for a German vocational examination; cf. IAQ et al. 2009: 136f.).

The various actors in the Federal Government and the Federal Länder have been discussing the recognition of international qualifications since the National Integration Plan was presented in 2007. In it, the Federal Länder had sought to gain support and had advocated making better use in the national economy of school leaving certificates, vocational training certificates and higher education degrees earned abroad by immigrants, proposing that partial recognition (establishing the partial equivalence of qualifications) and targeted adjustment qualifications be considered. It is now planned, as a common goal of the Federal Government and the Federal Länder, to expand and enhance the possibility of recognising vocational training qualifications acquired abroad in the short term. All groups of migrants are to be assured that any qualifications they acquired abroad will be examined swiftly for recognition purposes and that they will be given the opportunity to subsequently acquire or to complement the necessary qualifications sooner rather than later (cf. Bundesregierung 2007: 28; 2008: 24, 45).

29 Empirical analyses conducted within the framework of this study have shown that the lack of recognition of existing qualifications is having the same detrimental effect in terms of reducing the opportunities for ceasing to draw benefits and reducing access to employment as the lack of qualifications, cf. IAQ et al. 2009: 126f.

30 Turkish nationals, persons holding the nationality of a country that was part of the former Yugoslavia as well as Polish, Italian and Greek nationals.

After taking stock of the situation, BAMF, which is responsible for developing a concept for the recognition of higher education degrees awarded in other countries, identified four key obstacles to the integration of skilled migrants into the workforce:

1. Fragmentation of competencies of career guidance services,
2. Lack of transparency in recognition procedures,
3. Poor usability of official qualification recognition notices and
4. Lack of networking among the competent agencies and of integration of services.

Latest developments and future measures

With regard to the readjustment qualifications of immigrants, strategies have been developed in recent years within the framework of a joint working group comprising the Federal Ministry of the Interior, BAMF and the Otto-Benecke Foundation for upgrading the academic and linguistic qualifications of migrant academics. On 5 February 2009, the Standing Conference of the Ministers of Education and Cultural Affairs of the Länder in the Federal Republic of Germany set up a “Working Group of the Federal Government and the Länder on recognition procedures”.³¹ In the report it presented in September 2009, the Working Group recommended that standard regulations be established for all qualifications in the form of an Act to be drawn up by the Federal Government in cooperation with the Federal Länder. It also recommended enhancing the procedure according to which networking is improved between the competent agencies, inter alia, by expanding the Central Office for Foreign Education as well as upgrading the skills of the staff employed by agencies responsible for the recognition of foreign qualifications with a view to establishing standard decision-making practices for the more efficient coverage of foreign qualifications.

On 9 December 2009, the Federal Cabinet adopted a concept paper drawn up by the Federal Ministry of Education and Research which will develop a statutory amendment in order to assess and recognise the qualifications of persons immigrating to Germany (cf. Bundesregierung 2009a). Among other things, a legal entitlement to an individual recognition procedure is to be introduced for all those who have acquired vocational and professional qualifications abroad. This entitlement is to cover regulated occupations and professions as well as non-regulated occupations and professions. If it is established that the foreign qualification is equivalent to the German qualification, the competent agency is to confirm this (“recognition”). If the qualification certificates are not fully equivalent to the German qualifications, possibilities are to be created to recognise parts of the qualification at the very least (establishment of partial equivalence). The main gaps and any need for readjustment qualifications in relation to comparable German qualifications are also to be established and documented. In addition, information is to be provided on the availability

31 cf. Response of the Federal Government Commissioner for Migration, Refugees and Integration, Minister of State Prof. Dr. Maria Böhmer, of 30 June 2009 to the written inquiry submitted by the Member of the Bundestag, Sevim Dağdelen, Bundestag printed paper 16/13710, p. 1f. The Working Group has consulted the “German Qualification Initiative” within the framework of the education summit of 22 October 2008 in Dresden at which the Federal Government and Federal Länder agreed to launch activities in a bid to promote and assist lifelong learning.

of relevant measures. The intention behind this is to enable migrants wishing to have their qualifications recognised to participate in targeted readjustment qualification measures (cf. BAMF/EMN 2010: 47). At the end of 2010, the second report of the Working Group of the Federal Government and the Länder on “Recognition procedures” is to be presented. This report is intended to supplement the cornerstones and is to be used as the basis for drawing up a bill.³²

Provision is to be made, *inter alia*, for setting up central points of initial contact where all immigrants seeking recognition of their qualifications will receive advice and will be pointed in the direction of the competent public authorities or agencies. The various agencies for vocational integration are to be involved in the process and interface management is to be developed on this basis in order to coordinate the advisory services on prospects on the labour market, recognition of qualifications, advanced training and readjustment or complementary qualifications.

Recognition granted by the competent agencies would hence need to be taken into account in the area of job placement for job seekers. Similar to the issue of language skills, for instance, this would need to be incorporated into the customer’s qualifications profile in the IT application VerBIS (cf. Fn. 25). VerBIS is based on the structure of German qualifications and has up to now offered no other option for persons whose qualifications are not recognised than to declare them as “auxiliary staff” in their respective fields (cf. IAQ et al. 2009: 136, 206). The Federal Employment Agency has meanwhile created a separate category for persons holding foreign qualifications in VerBIS so that their professional skills can be incorporated into the matching process. It may be useful for employers wishing to fill job vacancies if the foreign qualifications are mentioned here (cf. Englmann/Müller 2007: 204; Bundesregierung 2008: 46).

From the perspective of German employers’ associations, it is a top priority to create more transparency in relation to the skills behind qualifications, particularly in cases in which it is not (or not yet) possible to formally recognise professional qualifications acquired abroad. After all, it is not the formal qualifications but the employee’s actual skills that are crucial and should be identifiable for the employer (cf. Englmann/Müller 2007: 238).

Recognition of professional qualifications acquired in the EU Member States

Foreign qualifications of immigrants from other EU Member States for occupations and professions that are regulated in the host country are recognised within three months in accordance with Directive 2005/36/EC of the European Parliament and of the Council of 7 September 2005 on the recognition of professional qualifications, which has been transposed fully into German law. The Directive specifies the provisions according to which a Member State which makes access to a regulated occupation or the pursuit of such an oc-

³² Bundestag stenographic record, no. 17/9 of 3 December 2009, p. 655 (Contribution by Parliamentary State Secretary, Dr. Helge Braun).

cupation contingent on the applicant holding certain professional qualifications will recognise the professional qualifications acquired in another or several other Member States giving access to this profession. The Directive not only applies to EU nationals who wish to pursue a regulated occupation or profession in another Member State but in certain cases also to third-country nationals whose qualifications were recognised in another Member State, for instance, if the training is equivalent to the relevant provision under German law. As a rule, the chambers carry out a so-called “examination of foreign occupational or professional qualifications in order to establish whether they are equivalent to the relevant German qualifications”. As such, the German training occupation that was up-to-date when the foreign qualification was acquired is compared to the foreign training occupation. Both examinations or certificates of professional competence must be deemed “equivalent”. The recognition of training certificates and certificates of professional competence issued by a Member State of the European Union or any other State Parties is regulated in the Vocational Training Act (Berufsbildungsgesetz). It proved to be difficult to transpose the Directive into German law, inter alia, as amendments had to be made to over 100 laws and ordinances at federal and Länder level.

3.1.4 Integration measures

The aim of the Residence Act is to facilitate and shape immigration to Germany giving due consideration to the country’s admission and integration capacity and the economic and labour market interests of the Federal Republic. Integration needs to be seen as a task that is incumbent upon the Federal Government, the Federal Länder and local authorities. With the “National Integration Plan” adopted in 2007, a number of important fields of action requiring integration work were identified (cf. BAMF/EMN 2010: 32). They include:

- Improving integration courses,
- Promoting the German language from the very start,
- Ensuring good education and vocational training, improving labour market opportunities,
- Improving the life situation of women and girls,
- Enhancing gender equality,
- Living cultural diversity and strengthening intercultural skills,
- Supporting integration in the communities,
- Culture and integration,
- Integration through sports,
- Strengthening integration through civic commitment and equal participation,
- Promoting the diversity of the media and science.

Within the framework of the nationwide integration programme pursuant to Section 45 of the Residence Act, there is a particular focus on the area of “recognising foreign qualifications”.

Integration courses

In order to safeguard the integration of immigrants, all legal immigrants can participate in a basic state-run integration course that is intended to assist them with their own integration efforts.³³ The integration course comprises a basic and advanced language course of identical duration to provide an adequate knowledge of the language and an orientation course. In order to enable participants in a language course to proceed at their own learning pace, the course has a modular structure and is divided into six modules. The aim of the language course is for students to acquire “adequate proficiency” in the German language. This enables immigrants to deal on their own with everyday situations, to conduct conversations and express themselves in writing commensurate with their age and education. At present, there are seven different concepts for the various target groups of integration courses that are binding throughout the entire Federal Republic. The learning content and learning progression of these integration courses are oriented to the respective target group. The orientation course is intended to help immigrants develop an understanding of the German political system, specifically the values of the democratic political system, the party system, Germany’s federal structure, the welfare state, equal rights, tolerance and freedom of religion. This is intended to help immigrants to find their feet in the new society and to identify with their new environment.

In order to prove they have adequate proficiency in the German language, immigrants must pass the test for immigrants, a graded language test. The Ordinance on the Implementation of Integration Courses for Foreigners and Repatriates (Integrationskursverordnung) regulates the details of the integration courses, in particular the organisation, duration and learning content as well as the admission procedures for training providers.

Counselling for adult immigrants

Since the entry into force of the Immigration Act, the counselling services sponsored by the Federal Government have been pooled and restructured. Since January 2005, counselling has been provided for adult immigrants aimed mainly at initiating and supporting the integration process by providing professional advice in each individual case (case management). This counselling serves to analyse the skills of the immigrants, to develop an individual support plan together with the individuals concerned and to accompany its implementation. The counselling for adult immigrants is provided by the Federal Office for Migration and Refugees, which has set up a nationwide network of counselling centres for this purpose.

Projects aimed at fostering the integration of immigrants

The Federal Government supports projects for the social integration of immigrants with permanent residence status. These community-oriented projects are primarily aimed

33 The precise conditions that entitle foreigners to attend an integration course are specified in Sections 44 and 44a of the Residence Act. In addition to new immigrants, migrants already residing in the Federal Republic of Germany can also attend an integration course and may even be obliged to do so – provided they are drawing the basic benefits for job seekers. All they need to pay is € 1 per hour; integration courses are free for immigrants drawing basic benefits and for ethnic German repatriates (cf. BAMF/EMN 2010: 33).

at integrating immigrants into the local community, at prevention (prevention of violence, drug prevention, conflict management), at strengthening the immigrants' existing skills, intercultural skills, parenting skills and social skills by providing educational leisure activities with a view to improving mutual acceptance and the ability of the German population and immigrants to live side-by-side. In the context of this community-oriented project work, great importance is attached to ensuring proper networking and co-operation of all players involved in the integration process and to promoting civic commitment.

3.2 Data and trends

3.2.1 Statistics on labour migration

The following data on labour migration to Germany and the Charts in the Annex are based on four different data sources that provide benefits in terms of reliability and pan-European comparability as well as certain weaknesses. These sources consist of the Labour Force Survey (LFS) within the representative "microcensus" household survey (Charts A1 to A18 in the Annex), the employment statistics of the Federal Employment Agency and the annual statistics on job vacancies of the EU statistics authority Eurostat (Charts A19 to A21) and, in order to analyse the number of labour migrants coming to and leaving Germany, the Central Register of Foreign Nationals (Charts A22 to A33).

The employment statistics of the Federal Employment Agency represent the most detailed data source on the employment of foreign nationals in Germany. They contain data on the number of employees liable for compulsory social-insurance payments in Germany according to various parameters, including nationality and gender. However, the German employment statistics are based on a completely different concept than the concept of gainful employment used at international level. The former are based on reports by employers on the various pillars of social insurance (pension insurance, unemployment benefit insurance, health insurance and nursing care insurance). They do not include all gainfully employed persons who are not liable for compulsory social-insurance payments, such as civil servants, self-employed persons, persons who work in the family business without payment and persons who only work in so-called "mini-jobs" earning up to € 400 per month. The Federal Employment Agency statistics on workers liable for compulsory social-insurance payments therefore only reflect a share of around 75 to 80 percent of all actually gainfully employed persons. In accordance with the labour force concept of the International Labour Organisation (ILO), by contrast, the term "gainfully employed persons" refers to all persons aged 15 and over who completed at least one hour's paid labour in the reference week or worked as self-employed persons or in the family business without payment or who are undergoing training. In accordance with the ILO definition, they include persons who earn less than € 400 per month (who are not liable for compulsory social-insurance payments), soldiers, persons undergoing basic or further military training and persons performing civilian service. This means the statistics based on the ILO definition of gainful employment are more suitable for the international comparability of data on employment/gainful employment.

As in the EMN context, this study is aimed at achieving the best possible comparability of data supplied by the individual Member States, there is another reason why the employment statistics of the Federal Employment Agency were not used. Similar to the administrations in France and the Netherlands, the Federal Employment Agency has its own national classification of occupations for employment statistics. This is not compatible with the classification based on the ISCO-88 (International Standard Classification of Occupations) system used by the majority of other EU countries. Although the Federal Employment Agency will be using a revised classification of occupations from 2010 onwards, meaning that 93 percent of occupations will correspond to the ISCO Classification of Occupations (ISCO-08), which has also been updated, this reform came too late for this study. In order to facilitate the best possible comparability of national data, a decision was taken to use the less accurate data source that is more likely to facilitate pan-European comparability of data, namely the Labour Force Survey. The employment statistics in the LFS are based on ISCO-88. The LFS is carried out in Germany in connection with the microcensus. As it is a survey rather than a full census, the data determined on the basis of the LFS is not precise, but represents extrapolations on the basis of the survey of 1 percent of households in Germany. All the data on the basis of the LFS mentioned in this study has been rounded up or down to the nearest 1,000. For the purposes of this study, the Federal Statistical Office commissioned a special evaluation of the microcensus (cf. Charts A1 to A18 in the Annex).

Statistics on job vacancies registered with the Federal Employment Agency

In the Federal Republic, the Federal Employment Agency keeps the official statistics on the labour market on the basis of Book III of the German Code of Social Law and on the basic security for job seekers pursuant to Book II of the Code of Social Law. This includes, inter alia, unemployment statistics, employment statistics, statistics on state-funded jobs and statistics on joint households, their members and the benefits paid under Book II of the Code of Social Law for all regions in Germany.

The statistics kept by the Federal Employment Agency on the job vacancies registered are relevant for the trend in the number of job vacancies discussed in the following and in the Annex to this study. Job vacancies registered involve jobs with an envisaged employment duration of more than seven calendar days which have been registered with the Federal Employment Agency as job vacancies. Jobs for freelancers, the self-employed and jobs registered with private employment agencies are not an integral part of the job vacancies registered as they do not come under the definition of employment within the meaning of Section 7 of Book IV of the Code of Social Law and as unemployed persons are not obliged to accept jobs involving an entrepreneurial risk. Furthermore, companies are not obliged to notify the labour authorities of their job vacancies. Rather, they take decisions based on a number of different criteria as to what job vacancies they wish to notify the labour authorities of and what job vacancies they do not. Surveys conducted on the aggregate national supply of labour, which include all job vacancies, reveal, for instance, that over a period of three years the registration rate for job vacancies to be filled immediately was over 70 percent for low-skilled workers, whereas it was only 35 percent for academics (cf. Kettner/Stops 2008: 7). The statistics on job vacancies registered are therefore not representative of the number of job vacancies actually available at a specific point in time and the figures shown

tend to be much lower. The actual number of job vacancies in Germany is determined using a representative survey of the aggregate national supply of labour, which also provides the basis of the statistics kept by Eurostat (cf. below and Section 3.1.1).

As far as the job vacancies registered with the labour authorities are concerned, a distinction needs to be made between “ordinary” jobs and “state-funded” jobs. The so-called “ordinary” jobs are non-state-funded jobs in which employees are liable for compulsory social-insurance payments, they do not, however, include permanent job openings, jobs offered by job centres, telework, seasonal work, part-time work leading into retirement, jobs offered by personnel service agencies, jobs for guest workers and domestic help for persons in need of nursing care. State-funded jobs comprise jobs offered by personnel service agencies, job creation measures, infrastructure measures that create jobs and subsidised quasi-employment jobs.

The job vacancies registered are classified according to the Classification of Economic Activities, Edition 2008, which is used as a basis for the official statistical recording of the economic activities of enterprises, local units and other statistical units in Germany. It comprises the hierarchically structured classification of economic activities broken down into 21 sections, 88 divisions, 274 groups, 617 classes and 841 subclasses. It facilitates the statistical allocation of all economic activities. Generally, all the data is also collected according to occupational areas on the basis of the national Classification of Occupations; the so-called major groups reflect all training and job descriptions used within the Federal Employment Agency.³⁴ However, at present, there are no statistics available (as yet) on job vacancies registered that are broken down into occupations. Owing to changes made in the recording system, there have been and continue to be major quantitative disparities between the various levels of the hierarchy regarding the classification of occupations since 2009. As these changes also mean that the data can no longer be compared to the data of previous years, the job vacancies reflected in the Federal Employment Agency’s statistics are merely shown according to the national Classification of Economic Activities within the framework of this study.

Eurostat annual statistics on job vacancies

The EU Member States have agreed to count the number of job vacancies (also referred to as “vacancies” or “uncovered labour demand”) as well as the vacancy rates (i.e. the ratio between the number of job vacancies and the aggregate demand for labour which results from the sum total of employees and job vacancies at a given time) for a total of 21 economic sectors. The latter is based on the statistical classification of economic activities in the European Community NACE Rev. 1.1 and Rev. 2 (cf. Eurostat 2008; for a rough structure

34 Cf. Bundesagentur für Arbeit (2010): Arbeitsmarkt in Zahlen, Gemeldete Stellen Deutschland Dezember 2009, p. 4.

of economic areas in particular *ibid.*: 61).³⁵ So far, this data has been shown per calendar year but from 2010 onwards, the Member States are obliged also to provide Eurostat with quarterly statistics.³⁶ Contrary to the national definition used by the Federal Employment Agency, a ‘job vacancy’ is defined here as a “paid post that is newly created, unoccupied, or about to become vacant, a) for which the employer is taking active steps and is prepared to take further steps to find a suitable candidate from outside the enterprise concerned; and b) which the employer intends to fill either immediately or within a specific period of time.”³⁷ A job vacancy that is only available to internal candidates is therefore not deemed to be a job vacancy.

By the same token, unlike the national statistics, this means it is not relevant whether the employer actively notifies the labour authorities of the job vacancy (cf. above), but merely that the vacancy exists. This fact alone explains why the Eurostat statistics show a higher number of job vacancies than the national statistics.

Microcensus and the European Labour Force Survey

The European Labour Force Survey (LFS) is a sample survey of private households that is carried out at regular intervals on the basis of common definitions, classifications and a uniform list of variables, providing a unique source of information for comparable European data on the labour market.³⁸ In Germany, the LFS together with the microcensus provides official representative statistics of the population and the labour market. Each year, there is a sampling fraction of 1 percent of all households, totalling around 390,000 households with around 830,000 persons.

The microcensus provides information about gainful employment, occupations trained in and pursued as well as job and company-related variables. The microcensus supplies statistical information in a detailed subject-related way, providing a regional breakdown on the population structure, the economic and social situation of the population, families, consensual unions and households, on employment, job search, education/training and continuing education/training, and on the housing and social situation. The

35 NACE is the acronym from “Nomenclature statistique des activités économiques dans la Communauté européenne”. Under European law, the general use of the system is compulsory in all Member States (cf. Council Regulation (EEC) No. 3037/90 of 9 October 1990 on the statistical classification of economic activities in the European Community, Official Journal No. L 293 of 24 October 1990, p. 1, amended by Council Regulation (EEC) No. 761/93 of 24 March 1993, Official Journal L 83 of 3 April 1993, p. 1, and amendment, Official Journal L 159 of 11 July 1995, p. 31 as well as Regulation (EC) No. 1893/2006 of the European Parliament and of the Council of 20 December 2006 establishing the statistical classification of economic activities NACE Revision 2 and amending Council Regulation (EEC) No. 3037/90 as well as certain EC Regulations on specific statistical domains, which in turn were amended by Article 14 para. 1 sentence 2 of Regulation (EC) No. 295/2008 of the European Parliament and of the Council of 11 March 2008 concerning structural business statistics, Official Journal L 97 of 9 April 2008, p. 13-59).

36 The data indicated in the row of figures in Chart A21 refers to NACE Rev. 1.1. Data pursuant to NACE Rev. 2 is only available from 2008 onwards.

37 Article 2 no. 1, Regulation (EC) No. 453/2008 of the European Parliament and of the Council of 23 April 2008 on quarterly statistics on Community job vacancies, Official Journal L 145 of 4 June 2008, p. 234-237.

38 Community Regulation (EC) No. 577/98 of 9 March 1998 on the organisation of a labour force sample survey in the Community as well as Commission Regulation No. 1575/2000 of 19 July 2000 implementing Council Regulation (EC) No. 577/98 on the organisation of a labour force sample survey in the Community concerning the codification to be used for data transmission from 2001 onwards provide the statutory basis of the Labour Force Survey.

European Commission uses the LFS as a tool for providing comparable statistical information on the level, structure and development of gainful employment and unemployment in the Member States.

With regard to using data from the LFS, it needs to be borne in mind that until 2004, the microcensus was carried out in a fixed reference week in the spring of each year. Until 2004, there were no monthly results available on unemployment. From 2005 onwards, the microcensus was carried out as a continuous survey with a so-called “moving reference week”. In this type of survey, the entire survey volume is distributed evenly over all calendar weeks of the year, with the last week preceding the survey being the reference week. This means it is also possible to provide average results over the course of the year. However, owing to the complex conversion resulting from this very far-reaching amendment in the survey design of the microcensus, it is recommended that only limited use be made of the statistics on gainful employment of the International Labour Organisation for the years 2005 and 2006.

The LFS records demographic, social and economic variables for the employed, unemployed and inactive population. The tables included in the database of the EU Statistical Office (Eurostat) merely represent a small, albeit important part of the total LFS data available. In order to describe and analyse the gainful employment of foreigners in Germany (annual statistics), the Federal Statistical Office commissioned a special evaluation for the purposes of this study (cf. Charts A1 to A18 in the Annex). Considering the statistics available between 2004 and 2009 inclusive, these statistics provide insight into the numerical trend of gainful employment, with a distinction being made between four categories (highly qualified migrants, skilled migrants, low-skilled migrants and others). Further distinctions were made according to the nationality of the gainfully employed persons and selected groups of occupations. It was possible to form groups for nationalities (e.g. “EU-14”, third-country nationals).

It is worth noting that the LFS provides the results of a representative survey. The statistics used for this study are therefore extrapolations.

Central Register of Foreign Nationals

The Central Register of Foreign Nationals is a nationwide database containing personal data that is centrally managed by BAMF. It comprises a general database and a separate visa file. It contains, inter alia, detailed data on foreign nationals who are not just residing temporarily in the Federal Republic or who have been residing in the Federal Republic for the past ten years. Based on cut-off dates, the Central Register of Foreign Nationals provides, inter alia, information on how many persons were granted a residence title in a certain period of time and on what legal basis these titles were granted. The data available can be broken down into gender, age groups and nationality and can be limited to specific regions. It provides a reliable basis for measuring the number of foreign nationals who have immigrated to Germany and the number of those who have left Germany.

However, one restriction that applies is the fact that it is not possible to trace back how many residence titles were granted for any number of years. On the one hand, the Central Register of Foreign Nationals was only accorded the legal basis for storing data on the number of residence titles granted in December 2005, whereas, on the other, older databases are no longer available and can therefore no longer be used. Within the framework of this study, detailed data based on the Central Register of Foreign Nationals is only available on the number of residence titles granted for employment purposes in 2007, 2008 and 2009.

An evaluation was conducted of data from the Central Register of Foreign Nationals broken down into the following residence titles for the purposes of this study (cf. Charts A22 to A33 in the Annex):

- Highly qualified migrants (Section 19 of the Residence Act):
settlement permit for highly qualified migrants;
- Residence titles to pursue employment (Section 18 of the Residence Act);
- Residence permits for research purposes
(Section 20 subsection 1 of the Residence Act);
- Residence permits for the purpose of self-employment
(Section 21 of the Residence Act).

Foreign nationals who were granted a residence permit for the purposes of carrying out a research project in Germany can be viewed as highly qualified migrants but they are also interesting as a separate group and are therefore treated separately from highly qualified migrants who have been granted a settlement permit pursuant to Section 19 of the Residence Act. It is also worth noting that highly qualified migrants do not always reside in Germany on the basis of Section 19 of the Residence Act, but often as IT specialists on the basis of Section 18 of the Residence Act. However, foreign nationals who hold a residence permit pursuant to Section 18 of the Residence Act cannot be identified unequivocally as highly qualified migrants according to the Central Register of Foreign Nationals as this legal basis is available to a large number of unskilled workers or persons with low qualifications. The immigration of researchers from third countries is not always based on Section 20 of the Residence Act, but in some cases also on Section 18 of the Residence Act. In this case, however, it is not possible to quantify them individually.

Since 2009, it has been possible to make a distinction between the purposes for which a residence permit was granted to foreigners wishing to take up employment pursuant to Section 18 of the Residence Act as new reasons for storing data were incorporated into the Central Register of Foreign Nationals when the Labour Migration Control Act entered into force. Since March 2009, the Central Register of Foreign Nationals has not only provided information on the purpose of employment for which residence permits were granted in

general, but also breaks this information down into residence permits granted for the purpose of taking up low-skilled or unskilled employment (Section 18 subsection 3 of the Residence Act), residence permits granted to foreigners for employment on the basis of a legal ordinance issued by the Federal Ministry of Labour and Social Affairs (Section 18 subsection 4 sentence 1 of the Residence Act) and residence permits issued for the purpose of taking up employment when there is a public interest (Section 18 subsection 4 sentence 2 of the Residence Act). Residence permits for the purpose of employment for skilled foreigners whose deportation has been suspended pursuant to Section 18a of the Residence Act are not evaluated in this study as it cannot be generally assumed that the persons in question entered Germany for the purpose of pursuing gainful employment. This labour migration does not constitute managed labour migration within the meaning of this study.

3.2.1.1 Data on the employment situation

A special evaluation of the microcensus commissioned by the National Contact Point of the EMN for the purposes of this study revealed that in 2009, there were a total of 38,365,000 gainfully employed persons in Germany (cf. Table 1 and Chart A16 in the Annex),³⁹ 17,679,000 (46 percent) of whom were women. On 1 January 2009, the total population was 82,002,356 persons.⁴⁰ Whereas there has been a decline in the population since 2004 (82,531,671 persons), the number of gainfully employed persons has risen (35,286,000 persons in 2004).

It is striking that the number of gainfully employed foreigners from non-EU countries in Germany has risen in absolute terms from 1,901,000 persons in 2004 to 1,937,000 in 2009. However, in relation to the total number of gainfully employed persons, the share of third-country nationals fell from 5.4 percent in 2004 to 5 percent in 2009. The share of women in the total number of gainfully employed third-country nationals was 40.5 percent in 2009.

Chart A17 shows that in 2009 around 23.4 percent of gainfully employed third-country nationals in Germany were highly qualified migrants (454,000 out of 1,937,000 persons). At around 54.4 percent (1,054,000 persons), the majority of third-country nationals can be allocated to the group of skilled migrants. 20 percent (around 389,000 third-country nationals) were low-skilled migrants.

1,030,000 gainfully employed persons, of whom 399,000 were women (38.7 percent) in 2009, were nationals of an EU-14 country.⁴¹ There has been hardly any change in the total number of EU-14 nationals compared to 2004 (1,000,000 were EU-14 nationals, the share of women was 38.6 percent). The share of EU-14 nationals in the total number of gainfully employed persons has remained more or less steady over the years. It has fluctuated between 2.7 and 2.8 percent.

³⁹ Extrapolated, rounded up value based on the Labour Force Survey/microcensus.

⁴⁰ Source: Eurostat (database query made on 18 April 2010).

⁴¹ Belgium, Denmark, Finland, France, Greece, Ireland, Italy, Luxembourg, Netherlands, Austria, Portugal, Sweden, Spain, United Kingdom.

The share of EU-10 nationals⁴² in the total number of gainfully employed persons was 0.8 percent (313,000 persons) in 2009, which represents an increase. In 2005, the figure was 212,000 persons (0.6 percent of the total number of gainfully employed persons).⁴³ The number of gainfully employed EU-2 nationals (Romania, Bulgaria) in 2009 was 75,000. This accounts for 0.2 percent of all gainfully employed persons. In 2004, only 31,000 EU-2 nationals in Germany were gainfully employed (cf. Table 1).⁴⁴

Table 1: Gainful employment in Germany (2004-2009)

	2004	2005	2006	2007	2008	2009
Total number of gainfully employed persons	35,268,000	36,223,000	37,023,000	37,841,000	38,439,000	38,365,000
Third-country nationals	1,901,000	1,759,000	1,799,000	1,869,000	1,923,000	1,937,000
EU-14 nationals	1,000,000	1,028,000	1,026,000	1,047,000	1,058,000	1,030,000
EU-10 nationals		212,000	229,000	262,000	285,000	313,000
EU-2 nationals	31,000	48,000	62,000	64,000	71,000	75,000

Turkish nationals account for the majority of the group of third-country nationals. Chart A17 shows that in 2009 around 672,000 gainfully employed persons were Turkish nationals. 222,000 of them were women (33 percent). Turkish nationals dominate in absolute terms both in the group of highly qualified gainfully employed persons (within the meaning of this study, ISCO categories 1 to 3) and also in the group of skilled migrants and low-skilled migrants. However, in the group of highly qualified gainfully employed persons, Turkish nationals are less dominant than they are among skilled migrants and low-skilled migrants. 99,000 Turkish nationals were employed as highly qualified migrants, with 412,000 being employed as skilled migrants and 150,000 as low-skilled migrants. In relation to all levels of qualifications taken together, Croatian nationals (155,000 gainfully employed persons) accounted for the second largest nationality group of third-country nationals and nationals from Bosnia and Herzegovina (105,000) accounted for the third largest nationality group. Russian nationals (104,000) ranked fourth and Serbian nationals (98,000) ranked fifth. Turkish nationals (99,000) account for the majority of the group of highly qualified migrants, followed by Croatian nationals (38,000) and US nationals (35,000). In the group of skilled migrants, Turkish nationals (412,000) again account for the majority, followed

42 Nationals of the countries of Estonia, Latvia, Lithuania, Malta, Poland, Slovak Republic, Slovenia, Czech Republic, Hungary and Cyprus which joined the EU in 2004.

43 It is not possible to provide statistics on EU-10 nationals for the year 2004 owing to a lack of structural detail.

44 It is possible that the number of gainfully employed nationals from the EU-10 and EU-2 countries is higher than indicated here as many seasonal workers are not included in the LFS since they are only residing temporarily in Germany.

by Croatian nationals (93,000) and nationals of Bosnia-Herzegovina (62,000). In the group of low-skilled migrants, Russian nationals come third (23,000) behind Turkish nationals (150,000) and Croatian nationals (24,000).

In relation to important individual employment categories, it was established for the year 2009 that the share of foreign workers (third-country nationals and EU nationals) in the total number of gainfully employed persons was highest in the categories of “house-keeping and restaurant services workers” (ISCO 512) and “labourers in mining, construction, manufacturing and transport” (ISCO 93), accounting for around 22.6 percent and 17.2 percent, respectively. Within these percentages, the share of third-country nationals is much higher than the share of EU nationals. In 2004, these employment categories were already showing a comparatively high share of labour immigrants (cf. Chart A18).

3.2.1.2 Data on the demand for labour (job vacancies)

In Germany, there are two sets of data that are collected on an ongoing basis and provide information about the demand for labour and unfilled job vacancies in various branches of industry and occupational areas. These are the ongoing, so-called employment statistics of the Federal Employment Agency and data collections by the Institute for Employment Research on the aggregate national supply of labour.

The employment statistics of the Federal Employment Agency encompass, inter alia, job vacancies registered with employment agencies and with the joint initiatives of the Federal Employment Agency and local authorities. They are published every month. However, up to now, this data has only been broken down into the main economic activities in accordance with the Classification of Economic Activities, Edition 2008 – but not into occupations in accordance with a qualification-based classification of occupations (cf. Section 3.2.1).

The Institute for Employment Research collects data on the aggregate national supply of labour by carrying out a representative company survey which provides the basis for the annual and quarterly statistics on job vacancies published by Eurostat (cf. Chapter 3.2.1 above). This section of the study will outline the most important trends between 2004 and 2009 from both data sources, although not all the data is available for 2009.⁴⁵

It must also be said that the data can only contribute to valid findings in terms of European comparability to a very limited extent. In their analysis, Kettner and Stops (2008) make it clear that even the statistics on job vacancies collected in the Member States, which are supposedly based on the same criteria, have numerous deficiencies in terms of their comparability. As such, the following limitations need to be taken into account:

⁴⁵ cf. also the Data in Charts A19 to A21 in the Annex. As there is no breakdown according to classifications of occupations but merely according to economic sectors, the data on job vacancies cannot be integrated into the data table on gainful employment and must therefore be shown separately.

- So far, there has been no binding definition of the requirement that data needs to be collected on jobs that are to be filled “immediately or in the near future”.
- It has not been clarified whether job vacancies that are state-funded, such as so-called subsidised quasi-employment jobs (“one-euro” jobs), should be included in the statistics.
- Statistical distortions can occur, inter alia, owing to the fact that some countries do not interview small or very small businesses or do not cover them in a sufficiently representative way in order to reduce the relatively high costs associated with this type of survey.
- The reference periods of the respective surveys on job vacancies vary greatly; whereas in Germany, a survey is carried out on an ongoing basis over the quarter, the majority of countries only use an individual reference day. Distortions must be expected here too as short-term cycles are not taken into account in respect of job vacancies.
- Furthermore, the number of economic sectors covered has differed so far, inter alia, because in some countries it is difficult, if not impossible, to collect valid data in the areas of healthcare and education as well as public administration.

For these and other reasons, the authors come to the conclusion that

“At the time being the comparison of data coming from different national job vacancy surveys published by EUROSTAT should not be undertaken at all or only with greatest wariness. The available information at EUROSTAT’s webpage does not allow a sufficient analysis of methodological differences and the evaluation of the implications for comparative studies. More and structured methodological information needs to be provided by the countries and published simultaneously with the vacancy data.” (Kettner/Stops 2008: 18f.)

Trends in job vacancies

There has been a visible decline in the number of job vacancies throughout the Federal Republic that are recorded by public labour authorities. In 2009, on average 485,528 job vacancies were registered with the Federal Employment Agency. This represents a decline of almost 15 percent vis-à-vis 2008, when there were 568,513 job vacancies available. A decline of just under 9 percent was identified already between 2007 and 2008. In the previous years, by contrast, sharp rises had been recorded. The number of job vacancies more than doubled between 2004 (285,607) and 2007 (621,391) (cf. Chart A19).

A similar trend has been observed regarding the number of job vacancies within the framework of the aggregate national supply of labour. Between 2006 (when there were approximately 1.37 million job vacancies) and 2007 (when there were approximately 1.27 million job vacancies), the number of job vacancies fell by 7 percent. Between 2007 and 2008

(when there were approximately 1.09 million job vacancies), it fell by almost 15 percent (cf. Chart A21).⁴⁶

However, these figures are put into perspective slightly when the “job vacancy rate” is determined. This is computed from the ratio between the total number of job vacancies and the total demand for labour (quotient from the number of job vacancies and the total demand for labour). The total demand for labour is the sum total of gainfully employed persons and job vacancies. The number of jobs filled has also dropped slightly in tandem with the decline in job vacancies over the past few years. In 2007, for instance, around 34.71 million jobs were filled compared to 34.28 million in 2008. In the period between 2004 and 2008, the vacancy rate peaked in 2006 at 3.8, fell slightly to 3.5 in 2007 and dropped even further to 3.1 in 2008.

If the individual economic sectors are analysed, it becomes clear that the rate of job vacancies in the various service industries is particularly high, for instance, in the catering industry (4.4 in 2008), in the real estate and property industry, rental services and the services industry for companies (8.4) and in the sector for the provision of other public or private services (6.3). The manufacturing industry (1.1 in 2008), the loan and insurance industry (1.1) and public administration, defence and social insurance (1.3) accounted for lower rates of job vacancies. With just one exception (the economic sector “transport and communication”), the vacancy rate has dropped sharply in all economic sectors over the past few years. According to a survey carried out by the Institute for Employment Research on the aggregate national supply of labour, the supply of labour fell between 2007 and 2008, above all in the metal / metal products (-50 percent), mechanical engineering / electrical engineering / automotive (-45 percent) and business services (-21 percent) sectors.

In statistical terms, Germany makes a distinction between vacancies to be filled immediately or in the near future, with vacancies to be filled immediately indicating a higher shortage of labour and demand for labour among employers. In the years 2007 and 2008, engineering jobs represented the highest number of job vacancies. In 2008, the caring professions had the second highest number of job vacancies (cf. Heckmann et al 2009: 3). The rise in the demand for labour in the social sector is also reflected in the statistics on job vacancies registered. At the end of 2009 (cut-off date: 15 December 2009), the number of job vacancies registered with the Federal Employment Agency was much higher in the economic sectors of education and training (+15 percent), homes (care and residential facilities, +8 percent) and social work activities (+4 percent) than in the same period of the previous year. In healthcare (+9 percent) and other mainly personal services (+6 percent), there

46 The average statistics for 2009 were not available when this study was completed. However, the quarterly statistics of the Institute for Employment Research for 2009 and the statistics for the first quarter of 2010 show a further sharp decline. In the first quarter of 2010, there were around 843,000 job vacancies available, around 27,000 fewer (-3 percent) than in the same quarter of the previous year (cf. “Angebot an offenen Stellen bleibt verhalten”, press information published by the IAB on 18 May 2010, which can be accessed at: <http://www.iab.de/de/informationsservice/presse/presseinformationen/os1001.aspx> and the relevant data, which can be accessed at: <http://doku.iab.de/grauepap/2010/os1001.pdf>.

was a sharp rise in the number of job vacancies registered with the Federal Employment Agency. In nearly all other economic sectors, the number of job vacancies either stagnated or decreased (cf. Chart A20).

3.2.1.3 Inflow of migrant workers

The most reliable way of determining how many third-country nationals immigrated to Germany is to establish how many residence permits and settlement permits were granted and documented in the Central Register of Foreign Nationals (AZR). It needs to be kept in mind, however, that short-term stays of foreign nationals for employment purposes, for instance in the area of seasonal work, are not recorded in this database. The data contained in the AZR therefore only represents guide figures. It is hence not possible to determine the total number of immigrants, including short-term stays, on the basis of the AZR.

According to Chart A30 (cf. also Table 2), a total of 311 highly qualified third-country nationals immigrated to Germany in 2009, 142 of whom were researchers who were granted a residence permit pursuant to Section 20 of the Residence Act; 169 were other highly qualified migrants who were granted a settlement permit pursuant to Section 19 of the Residence Act. Although the number of highly qualified migrants increased compared to 2008 (when 221 highly qualified third-country nationals immigrated, 64 of whom were researchers) and 2007 (when 151 highly qualified migrants came to Germany), the overall increase remained fairly low.⁴⁷

The number of immigrants who came to Germany for the purpose of pursuing employment in general (legal basis: Section 18 of the Residence Act) was much higher than the number of highly qualified third-country nationals immigrating. In 2009, 25,053 third-country nationals were granted a residence permit for the purpose of pursuing employment for the first time or were re-granted such a residence permit after previous emigration. In 2008, the figure had been 29,141 and in 2007 it had been 28,761 persons (cf. Charts A22, A26 and A30). For 2009, it is possible to distinguish a number of sub-groups for the very first time in terms of the number of residence permits granted pursuant to Section 18 of the Residence Act. Such a distinction shows that 14,816 of the 25,053 residence titles granted (59 percent) were for the purpose of taking up a type of employment that requires a vocational qualification (Section 18 subsection 4 sentences 1, 2 of the Residence Act). This figure includes, inter alia, IT specialists and other higher education graduates. 8,405 residence titles (34 percent) were granted to immigrants for employment requiring no vocational

47 The number mentioned here for 2007 refers to highly qualified migrants only (not including researchers), as Section 20 of the Residence Act, which regulates the granting of residence permits for research purposes, was only incorporated by the EU Directives Implementation Act (Gesetz zur Umsetzung aufenthalts- und asylrechtlicher Richtlinien der Europäischen Union) of 19 August 2007. This Act stipulates that from 1 December 2007 onwards, research organisations can apply to BAMF for recognition. Since 1 March 2008, the residence titles granted to researchers have been recorded in the Central Register of Foreign Nationals. There is hence no data available for 2007 on the number of residence permits granted pursuant to Section 20 of the Residence Act, and the figures for 2008 are not fully comparable to the figures for 2009.

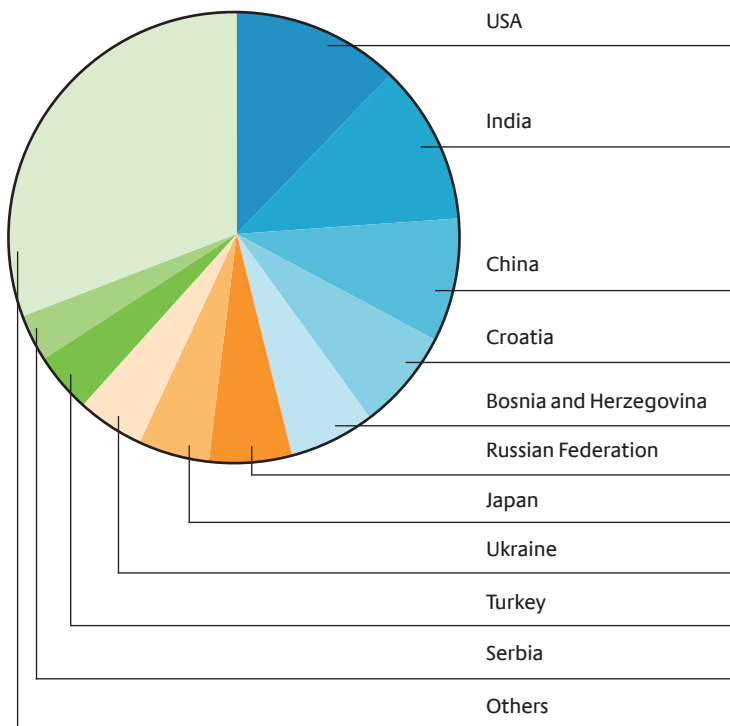
qualifications (low-skilled migrants, Section 18 subsection 3 of the Residence Act). An additional 1,832 (7 percent) residence permits were granted without any distinction being made pursuant to Section 18 of the Residence Act (cf. Chart A30).

In 2009, 1,024 foreigners came to Germany for the purpose of self-employment (for which Section 21 of the Residence Act provides the legal basis), compared to 2008 when 1,239 foreigners immigrated for this purpose (in 2007: 891 persons, cf. Table 2).

Table 2: Immigration of gainfully employed persons from third countries (2007-2009)

	2007	2008	2009
Highly qualified migrants (Section 19 of the Residence Act)	151	157	169
Employees (Section 18 of the Residence Act)	28,761	29,141	25,053
Researchers (Section 20 of the Residence Act)	-	64	142
Self-employed (Section 21 of the Residence Act)	891	1,239	1,024

When the immigration figures are broken down into individual nationalities, a slightly different picture emerges than the one conveyed by the statistics on the number of gainfully employed foreigners living in Germany described in the previous section. The majority of third-country nationals who came to Germany in 2009 for employment purposes were US nationals (3,229), followed by Indian nationals (3,094), Chinese nationals (2,356), Croatian nationals (1,858) and nationals of Bosnia and Herzegovina (1,640). These are followed by nationals of the Russian Federation, Japan, Ukraine, Turkey and Serbia in places six to ten respectively. Among all the main nationalities with the exceptions of Russia and Ukraine, the number of male immigrants was much higher than the number of female immigrants (cf. Figure 1 and Chart A31).

Figure 1: Inflow of gainfully employed migrants from third countries, most important nationalities (2009)

The majority of highly qualified migrants were US nationals (73 persons), followed by Indian nationals (21) and Japanese nationals (13). The majority of skilled migrants were Indian nationals (2,630), followed by US nationals (1,877) and Chinese (1,844) nationals. The comparatively high number of Indian nationals in this group can be attributed partly to the fact that many Indian nationals came to Germany as IT specialists. The majority of low-skilled migrants were Russian nationals (854) followed by Ukrainian nationals (820) and US nationals (767). The majority of self-employed foreigners and researchers who immigrated to Germany were US nationals (337 and 19 persons, respectively).

The hierarchy of the most important nationals among new immigrants in relation to all levels of qualifications was similar in 2007, 2008 and 2009. 31.5 percent of all labour migrants in 2009 were women. In 2008, the share of women was around 31 percent and in 2007 it was 32.4 percent.

The AZR does not include seasonal workers (for instance, harvesters) or fairground helpers who stay in Germany for less than three months. However, the Central Placement Office for Work Abroad and Specialised Workers of the Federal Institute for Employment provides relevant statistics. The number of seasonal workers and fairground helpers employed in Germany rose steadily between 1995 and 2004, after which it declined up to and including 2008. In 2006 and 2007, around 300,000 seasonal workers and fairground helpers came to Germany to reside here temporarily. In 2008, 285,217 and in 2009 a total of 294,828 seasonal workers and fairground helpers came to Germany for a temporary stay (cf.

BAMF/EMN 2010: 28). The majority of them came from the EU Member States of Poland and Romania.

3.2.1.4 Outflow of migrant workers

Whereas the number of labour migrants in the four described categories of highly qualified migrants, researchers, workers (skilled migrants and low-skilled migrants) as well as self-employed persons rose in all categories between 2007 and 2008, and the number of labour migrants in all categories declined in 2009 compared to 2008, except for researchers and highly qualified migrants, the number of labour migrants previously granted a residence title pursuant to Sections 18, 19, 20 or 21 of the Residence Act who left Germany rose both between 2007 and 2008 and again between 2008 and 2009. In 2007, according to the Central Register of Foreign Nationals only 40 persons who had been granted a settlement permit under Section 19 of the Residence Act left the Federal Republic. In 2008, 90 persons and in 2009 a total of 109 persons who had been granted a settlement permit under Section 19 of the Residence Act left the Federal Republic. Of the persons who had been granted a residence permit under Section 18 of the Residence Act, a total of 16,539 left Germany in 2007 compared to a total of 19,069 in 2008 and 19,662 persons in 2009. There was also an increase in the number of researchers and self-employed persons who left (cf. Charts A24, A28 und A30).

If the number of labour migrants who left the Federal Republic is compared to the number of labour migrants who immigrated, it becomes evident that in 2009 a total of 311 highly qualified foreign nationals (including researchers) immigrated whereas 151 highly qualified foreign nationals left the Federal Republic during the same period.⁴⁸ In terms of the foreigners who were granted a residence title under Section 18 of the Residence Act, a total of 25,053 immigrated to Germany in 2009 whereas 19,662 foreigners with this legal status left the Federal Republic.

The sharp rise in the total number of foreigners who left Germany in 2008 and 2009 can be attributed partly to adjustments made in the Central Register of Foreign Nationals as a result of the nationwide introduction of a personal tax identification number, which led to a number of deregistrations.

3.2.1.5 Forecast on future demand

In the Federal Republic, no “official” forecasts have been made so far on the future demand for labour that the Federal Government or the legislator could use to manage labour immigration to Germany. Research organisations and associations sometimes make projections, however politicians do not use them to determine the scale or to manage future migration movements. Rather, the political players assume that it is not possible to make reliable projections on the future demand for labour as they depend on numerous influencing factors that are hard to gauge, for instance, cyclical trends, activation of the national supply

⁴⁸ Persons who left the Federal Republic of Germany may also include persons who immigrated a few years ago but who may not necessarily have been granted a settlement permit for highly skilled migrants from the start.

of labour, demographic trends and even developments in education and training policy. The Bundesrat phrased this particularly clearly in a decision taken in 2006, saying that the view that immigration of third-country nationals were of fundamental importance if Germany was to be in a position to meet the current and future demand for labour and hence to be able to safeguard sustainability and economic growth were pure speculation.⁴⁹

The view that it is not possible to make exact projections is shared by other players, for instance, the Confederation of German Employers' Associations, whose President said at a kick-off event of the "Alliance for Labour" in March 2009 that the shortage of skilled labour in Germany is not a cyclical problem but a structural problem. He said that Germany was heading towards a shortage of skilled labour, adding that the shortage of young and up-coming workers in the "MINT" professions (mathematics, informatics, natural sciences and technology) poses a special risk for Germany's position as a location for business and industry but that it was not possible to predict exactly how many skilled workers will be needed over the next few years.

"Trends in the birth rate and number of persons retiring are certainly a reasonably reliable indication of how the supply of labour is likely to develop over the next few years. Cyclical trends, technological developments or even structural trends that have a crucial impact on the type and above all scope of companies' demand for skilled labour are extremely hard, if not impossible, to predict."⁵⁰

He said that at best "cautious assessments" could be made. The Confederation of German Trade Unions also expressed scepticism whether the macroeconomic models available are apt to reliably assess future labour or immigration requirements.⁵¹

The Alliance for Labour of the former Federal Government agreed to develop a monitoring system on the current medium and longer-term demand for labour and labour shortages on the basis of analyses and external scientific projections. A regular, systematic assessment of surveys on workforce trends is to provide a basis for doing so. In order to be more specific about the data and to safeguard information about trends in the demand for labour, it is to be examined to what extent indicators can be used to map out the current and projected demand for labour of companies and administrations in Germany. As such, additional influencing factors will need to be taken into account. These indicators could also supplement other projections in a meaningful way, but lay no claim to be universally valid. The aim is to pinpoint sectors that are showing signs of a growing demand for labour.

49 Bundesrat printed paper 5/06 (Decision), p. 2.

50 Arbeitskräftebedarf aus Sicht der Arbeitgeberverbände (Labour requirements from the perspective of employers' associations), statement by Dr. Dieter Hundt, President of the Confederation of German Employers' Associations, at a kick-off event of the "Alliance for Labour to advise the Federal Government on matters relating to labour requirements" of 30 March 2009 in Berlin.

51 Arbeitskräftebedarf aus Sicht der Gewerkschaften (The demand for labour from the perspective of trade unions), statement by Annelie Buntenbach, member of the executive committee of the Confederation of German Trade Unions at the kick-off event of the "Alliance for Labour to advise the Federal Government on matters relating to the demand for labour" of 30 March 2009 in Berlin.

One way of measuring the demand for labour could consist of two components, one that is used to analyse the short-term demand for labour and another for the medium-term projection of labour demand. The short-term demand is to be assessed, *inter alia*, on the basis of a representative company survey like the survey conducted by the Institute for Employment Research referred to in Section 3.1.1. In order to determine the medium-term demand for labour, which also includes the labour supply, the possibility of developing a scientific projection model is being explored. The details of the design of the company survey and the medium-term projection model are yet to be specified.⁵²

Meanwhile, a number of studies and expert reports dealing with the medium and long-term development of the demand for labour in Germany are already available. Schäfer (2004), for instance, discusses possibilities for determining the need for immigration in terms of quality and quantity in partial labour markets in Germany. As such, the author proposes that a method of labour shortage diagnostics be used on the basis of the following indicators: rate of unemployment, job vacancy rate and ratio between the unemployed and job vacancies supplemented by an analysis of employment trends and the existing qualification structure. The study “Arbeitslandschaft 2030” conducted by the Prognos AG Institute (2009) comprises two case scenarios (scenario 1: economic crisis, scenario 2: “extended crisis”) and arrives at the conclusion, *inter alia*, that Germany, will experience a labour shortage of 5.2 million by 2030 even under crisis conditions. Basically, it argues that demographic change is the key factor influencing the labour shortage.⁵³

3.2.2 Analysis of current trends

The survey conducted by the Institute for Employment Research on the aggregate national supply of labour in 2009 and 2010 shows that, currently, i.e. in the first quarter of 2010, there were five occupational groups in which a particularly large number of job vacancies needed to be filled immediately: occupations in corporate management consulting and controlling (57,000 job vacancies to be filled immediately), auditors and IT specialists (44,000 jobs), unskilled workers for jobs providing no detailed job description (38,000 jobs), office jobs and clerks (likewise 38,000 jobs) as well as engineers (37,000 jobs).⁵⁴ This shows that the “top 5” job vacancies to be filled immediately refer both to jobs for highly qualified migrants and to jobs for unskilled workers. Other areas where there were a large number of job vacancies in the past few quarters were social occupations, other healthcare occupations, occupations in transport, hotels and the catering industry as well as electrical occupations.

52 Decision of the Alliance to advise the Federal Government on matters relating to labour demand of 1 July 2009.

53 The authors Brücker/Kohlhaas suggest an alternative way of predicting the demand for labour in 2004. The authors arrive at the conclusion, *inter alia*, that owing to demographic change there will be a growing demand for immigration to Germany over the next few decades if the ageing of the population is to be counteracted. In the decades from 2010 onwards, the authors say, net immigration will need to increase to between 570,000 and 710,000 persons in order to keep the number of gainfully employed persons constant.

54 Institut für Arbeitsmarkt- und Berufsforschung, Die Entwicklung des gesamtwirtschaftlichen Stellenangebots bis zum I. Quartal 2010 (Trend in the aggregate national supply of labour up to the first quarter of 2010), Nuremberg, p. 6.

According to the Institute for Employment Research, the difficulties companies and administrations experience in finding suitable employees to fill job vacancies fluctuate from quarter to quarter. There was a shortage not just of highly qualified migrants, but also of less qualified workers, above all in the commercial sector.⁵⁵ Occupational profiles, in relation to which employers currently face relatively eminent labour scarcities, are, according to the Institute, IT-professions, educators and social professions as well as helpers in nursing care and care for the elderly.⁵⁶

In some of the so-called “understaffed occupations”, such as occupations in the catering industry, certain caring professions or unskilled workers, the share of labour migrants is relatively high, according to the LFS. The fact that, despite this, there are still a large number of job vacancies to be filled may indicate that Germany should continue to create additional ways in which new economic migrants can access the German labour market.

55 However it should not be deduced from the number of job vacancies alone that labour shortages can only be offset by immigration. Factors such as working atmosphere or cultural barriers can also contribute to companies having difficulty finding suitable applicants even if the relevant potential is available on the labour market.

56 Result from the expert workshop organized by Germany’s EMN National Contact Point on 28 April 2010, cf. Section 1.1.

4 Dialogue and Cooperation with third countries in the area of economic migration

The Federal Government cooperates with third countries on several levels and in several forums in a bid to manage labour migration to Germany. Foreign seasonal workers, contract workers and guest workers are, for instance, employed on the basis of bilateral agreements. As such, the administrations of the partner countries are involved in the drawing up of agreements and arrangements. In addition, Germany is involved in the international dialogue on migration issues, such as the Rabat Conference and the follow-up process,⁵⁷ the initiative „Building Migration Partnerships“,⁵⁸ the Global Forum on Migration and Development⁵⁹ and initiatives in the context of the the Organization for Security and Co-operation in Europe (OSCE). Germany also participates in a “Joint Expert Group” within the framework of the EU-Africa MME Partnership (Migration, Mobility and Employment).⁶⁰

Contract workers and guest workers

The agreements on the employment of contract workers and guest workers which Germany has concluded with the respective partner countries⁶¹ are an important integral part of bilateral economic relations. In the Federal Government’s opinion, the agreements have supported the development of market economies in a large number of partner countries. Cooperation between German companies and companies employing contract workers and among workers themselves has fostered European integration. The positive impetus to the movement of goods and supply of services provided by contract work is relevant for the labour market. Work contracts are approved in close cooperation between the agencies allocating quotas in the partner countries and German agencies, in particular the labour administration.⁶²

57 Cf. Newsletter Migration und Bevölkerung, Issue 6/2006

58 Cf. COM(2010) 214 final, p. 9.

59 Cf. <http://www.gfmd-fmmd.org/>

60 Cf. First Action Plan (2008-2010) for the Implementation of the Africa-EU Strategic Partnership, p. 37f.

61 Bilateral government agreements on contract workers exist both with countries that now belong to the EU (Bulgaria, Czech Republic, Slovakia, Latvia, Poland, Romania, Slovenia, Hungary) and with some third countries (Bosnia-Herzegovina, Croatia, Serbia including Montenegro and Kosovo, Macedonia, Turkey). Guest worker agreements have been concluded between Germany and the EU Member States of Hungary, Poland, Czech Republic, Slovakia, Slovenia, Bulgaria, Estonia, Latvia, Lithuania and Romania as well as the third countries Albania, Russian Federation and Croatia. An agreement has also been concluded with Switzerland, which is no longer relevant since the Agreement on the free movement of persons between the EU and Switzerland was concluded. Guest worker programmes comprise exchange programmes which German workers tend not to avail themselves of, however.

62 Cf. Bundestag printed paper no. 15/5934, 20 July 2005, p. 36.

The main aim of employing contract workers is not first and foremost to create employment opportunities for foreign workers but above all to facilitate the transfer of entrepreneurial knowledge tailored to the companies. What is relevant for shaping contracts is the aim of promoting economic cooperation between the partner countries. The foreign companies conclude work contracts with their own workers in Germany. The wages and salaries of intra-corporate transferees must measure up to collectively agreed wages applicable in Germany and health insurance and occupational safety must be safeguarded. In accordance with a general legal principle for temporary intra-corporate transferees, social insurance contributions must be paid in the workers' home country.

Agreements on work contracts are geared to the fixed-term employment of workers. It is not a matter of depriving the partner countries of efficient and dynamic workers, but of upgrading their skills, which they can use to develop their own countries. As Heyden (1997) points out, the agreements are helping to stabilise and enhance the balance of payments in the partner countries. Foreign currency transfers and income effects have the capacity to increase the level of national investment and hence to simplify the restructuring processes. With work contracts, this effect is heightened by the fact that the companies themselves generate foreign currency in Germany, which is subsequently available for investment in their native country.

As previously mentioned, the number of fixed-term contract workers has declined in the past few years, which can be attributed, inter alia, to EU enlargement and to the freedom of movement of nationals of the "new" Member States. The number of gainfully employed persons has declined steadily and significantly over the past few years (cf. Section 2.2.5). Since 1 May 2004, agreements on the employment of contract workers for the new EU Member States are, by and large, concluded only for the construction industry within the framework of transitional arrangements.

Seasonal workers

The employment of seasonal workers is of paramount importance for a large number of agricultural businesses each year from the beginning of the vegetation period. These businesses must be able to meet their demand for seasonal workers flexibly depending on weather conditions and the market situation. The regulations governing the admission of foreign seasonal workers to Germany are intended to ensure, on the one hand, that the agricultural sector has an adequate labour supply. On the other, in view of the high rate of unemployment, the aim is to refer unemployed persons drawing unemployment benefits into short-term seasonal employment. These two goals are of equal importance (cf. BMAS/BMELV 2010: 3).

The admission of foreign seasonal workers and fairground helpers is subject to the conclusion of bilateral placement arrangements between the Federal Employment Agency and the labour authorities in these foreigners' countries of origin. Relevant arrangements have been made with Croatia and the EU accession countries with the exception of the Baltic countries. The Central Placement Office for Work Abroad and Specialised Workers for Work Abroad and Specialised Workers of the Federal Employment Agency is responsible for

finding jobs for seasonal workers. German employers are given the opportunity to recruit persons who are known to them by name. Many seasonal workers tend to work every year in the same company they have worked in the previous year or years.

Whereas an important aim of German regulations governing the admission of foreign seasonal workers consists in taking the interests of German employers into account who often have difficulty finding sufficient workers in the domestic workforce in areas of seasonal activity, seasonal employment also provides an employment corridor that helps to absorb migratory pressure. In addition, Germany is helping to enhance the social situation of people in the partner countries by admitting foreign seasonal workers. The fact that employment is limited to a fixed term has the added benefit that as many people as possible can share in this social benefit while avoiding a permanent brain drain in the partner countries (cf. Heyden 1997).

Mobility partnerships and other agreements

It is beginning to emerge that cooperation with third countries within the framework of work agreements and guest worker agreements will need to be supplemented gradually, if not replaced, by new types of cooperation. In this context, efforts to forge so-called “mobility partnerships” – some within the framework of the EU – deserve special mention. Up to now, voluntary partnerships of this kind exist between EU Member States and the Republic of Moldova, Cap Verde and Georgia. Measures foreseen within the framework of the partnerships include aspects of migration and development and partly relate to an enhanced flexibility with regard to the movement of persons.

EEC-Turkey Association Agreement

The provisions set forth in the EEC-Turkey Association Agreement concluded in 1963 and 1970 with an additional Protocol (“Ankara Agreement”)⁶³ apply to Turkish workers directly insofar as they refer to their legal sphere as workers who have been lawfully integrated into the labour market of the relevant EU Member State (cf. Akyürek 2005: 69f.). On the basis of the agreement and of relevant decisions adopted by the EEC-Turkey Association Council, Turkish workers who have a job, after one year of orderly employment are entitled to a work permit so they can continue to be employed by their current employer irrespective of the situation and trends on the labour market. After three years of lawful employment, workers are entitled to a work permit for the occupation they have been working in that is not subject to any company-specific or regional limitations but is subject to the principle of priority. After four years of continuous, lawful employment, workers have free access to the labour market. Family members receive access to the labour market after they have been residing in Germany lawfully for five years; however, they have a secondary right to access the labour market after they have been residing in Germany lawfully for three years (cf. Gutmann 2002: 26).

63 EEC-Turkey Association Agreement (1963), Official Journal 217 of 29 December 1964.

Regarding the immigration of (potential) workers of Turkish nationality to Germany, i.e. outside access to the labour market, and possibilities of recruiting or placing workers in certain sectors, the Association Agreement does not contain any special provisions.⁶⁴ The European Court of Justice handed down a decision in early 2009 that set a precedent with regard to Turkish nationals being treated more favourably when they cross the border into Germany on the basis of the Association Agreement. In the so-called “Soysal” decision, the European Court of Justice established that the Federal Republic of Germany was obliged to waive the visa requirement for Turkish lorry drivers wishing to enter Germany for the lawful provision of services on behalf of a company that is domiciled in Turkey if it had been possible to provide the service without a visa when Article 41 of the Additional Protocol to the EEC-Turkey Association Agreement entered into force in 1973. This Article states that “The Contracting Parties shall refrain from introducing between themselves any new restrictions on the freedom of establishment and the freedom to provide services.” Up to now, however, the decision has not led to any basic changes in visa granting practice and the Federal Government is still examining for which types of active, cross-border services Turkish nationals can be exempt from the visa requirement in the light of the reasons behind the “Soysal” ruling and how this can be implemented in practical terms (cf. BAMF/EMN 2010: 45). In the meantime, a new procedure has been found whereby certificates are issued free of charge to persons wishing to enter Germany in order to provide active services, confirming that they are exempt from the visa requirements (cf. Gutmann 2009: 322).

64 Irrespective of the EEC-Turkey Association Agreement, Turkey is one of the countries with which Germany has a bilateral government agreement on the temporary employment in Germany of employees of foreign companies as contract workers (cf. above and Chapters 2.1 and 2.2).

5 Analysis and conclusions

In view of the demographic and labour market challenges they face, many European countries have either reformed or created national systems to facilitate the migration of additional labour from third countries over the past few years. In parallel, the EU institutions are looking for common ways and solutions in order to align the sometimes diverging interests of the Member States and to secure the European labour force and national economies in Europe in the medium to long term. As such, the issue of a well-managed immigration policy plays a key role against the backdrop of the shrinking population in many regions of Europe and the growth in the demographically younger population in many third countries. The aim of this study is to help to enhance the evidence and knowledge base available regarding the discussion, the data situation and the legal development in Germany in this context. This final chapter will outline the most important insights and experience.

The German legal system for the management of labour migration

The analysis of the immigration data based on the Central Register of Foreign Nationals described in Section 3.2.1.3 indicates that in the past few years, Germany has only managed to attract relatively few highly qualified migrants despite adopting a more labour market-oriented immigration management policy. Although Germany did manage to attract foreign seasonal workers and migrants with low to medium qualifications, only a small number of highly qualified third-country nationals and researchers have immigrated so far. In 2009, highly qualified migrants only accounted for around 23 percent of gainfully employed persons from third countries (cf. Chart A17 in the Annex). As the vast majority of legal instruments available for managing migration are still in their infancy and can be traced back to the Immigration Act of 2005, the EU Directives Implementation Act of 2007 and the Labour Migration Control Act of 2009, it is too soon to draw the conclusion that the management tools are proving not to be effective for highly qualified migrants. As migration movements tend to respond to new legal situations with a time lag, it could be some years before a new statutory provision unfolds its full potential. More recent surveys certainly suggest that the vast majority of highly qualified migrants who came to Germany in the past few years are satisfied with their life in their host country and intend to remain here in the long term (cf. Heß 2009: 80). It is also possible – although there is no firm evidence to back this up – that the economic and financial crisis caused migration movements to decline in 2009.

On the other hand, experts have arrived at the conclusion that Germany has an overly complex and inflexible system for managing labour migration. The Expert Council of German Foundations on Integration and Migration describes the existing management tools in 2010 as a highly complicated, fragmented system used to manage labour migration indirectly, which is barely noticed by the public and is not transparent for German nationals or foreign nationals, and which is only understood by experts in foreigners law. This means, for one thing, that only in a few OECD countries do persons born abroad have a lower aver-

age level of qualifications than in Germany. Despite the gradual liberalisation of the labour market for highly qualified migrants and self-employed persons, which attracted very little publicity, little has changed in terms of the fact that Germany has only managed to attract a few highly qualified migrants (cf. Sachverständigenrat 2010: 107f.).

First of all, it must be said that the complexity and fragmentation of German legislation on immigration cannot be attributed first and foremost to Germany being opposed to labour migration. Rather, what stands out above anything else is to enhance training and further education of the skilled national workforce, to promote the goal of increasing the participation of women and older people in gainful employment and to enable persons with a migration background who are residing in Germany to upgrade their skills. There is no way the major political players in the Federal Republic can have any interest in a national economy that leverages labour migration to a growing extent to meet its demand for labour while neglecting the educational and training opportunities of the young generation living in the country, especially in disadvantaged sections of the population. This explains why steps have been taken in the past few years to enhance the quality and effectiveness of education, training and skills upgrading; why measures have been introduced that are aimed at matching job seekers and job vacancies more effectively; and why legislation on immigration has been reformed with a view to making Germany more attractive to highly qualified migrants, specialists and even seasonal workers. It is anticipated that the relevant endeavours will continue to be undertaken in the years to come. It must also be borne in mind that in addition to gearing the legal system for immigration, there are other factors that may influence Germany's attractiveness as a destination for qualified foreign workers, such as language barriers and the level of wages and salaries.

Enhancing attractiveness, improving transparency

It would seem to be appropriate, not solely against the backdrop of the criticism voiced by the Council of Experts for Immigration and Integration regarding the lack of transparency and incomprehensible immigration regulations for foreign migrants, to focus more on measures aimed at enhancing Germany's attractiveness as the centre of potential immigrants' personal lives and working lives and to coordinate these measures more effectively. As outlined in Section 2.2.6, there are already a number of information and welcome services available that are directed at potential immigrants, highlighting the possibilities of lawful immigration, on the one hand, while providing new immigrants with information about orientation and integration assistance, on the other. A degree of progress could be achieved in heightening Germany's attractiveness through increased coordination and expansion of these services. The EU Commission is currently undertaking relevant endeavours at European level with its plans to set up the "Immigration Portal" that will serve as a first point of entry to reliable, practical and comprehensible information on immigration issues. It will provide useful and practical basic information and give rapid and direct access to relevant external websites for further details. It would appear to be useful in this context to coordinate the further development of national information systems closely with the project at EU level.

Enhancing the recognition of foreign qualifications

In the context of heightening Germany's attractiveness for skilled migrants, a great deal of focus has been placed recently on enhancing the possibilities of having qualifications and skills acquired abroad recognised in Germany. The Coalition Agreement for the 17th legislative period includes plans of procedures for the enhanced recognition of occupational qualifications acquired abroad. Many of those who immigrate to Germany have good occupational qualifications but for the most part find little recognition of these qualifications in the job market. Consequently, there are many qualified people often unemployed or employed in positions below their skill level. In view of the need of qualified workers in many areas, this often untapped skilled worker potential should be focussed on to be opened and utilised with regard to the labour market, which would thereby lead to an improvement in the labour market integration of this target group. What should be achieved is the creation of comprehensible and nationally standardised criteria for the evaluation of qualifications acquired abroad which can be applied in each individual case for employers and businesses.

Within its area of competency, the federal government would introduce a procedural entitlement with regard to the evaluation of qualifications acquired abroad, that would not be based on the nationality, as with already existing regulations for certain groups, but rather on the occupational qualifications earned abroad and that would apply to all occupations for which there is a corresponding German occupation with regular training and/or further education. Given that federal law can only be applied on occupations within the federal competencies there is a need with regard to some occupations (particularly for regulated occupations) for additional legislation by the Länder (e.g., teachers and the social occupations). Supplemental to legislation accompanying procedures made in agreement with the Federal States for the improvement and quality control of the administrative implementation or recognition practices, respectively, are foreseen, more specifically for information, counseling and procedure guidance of both applicants and employers as well as the improvement of opportunities for continued, specialized and adapting education.

Job matching and job placement skills

In the course of the comprehensive reforms to labour market policy in Germany since 2005, the Federal Employment Agency has implemented a number of far-reaching restructuring and reorganisation measures. Job placement competencies have been expanded, inter alia, and job matching has been defined as a priority. This applies above all to domestic job seekers, including foreign nationals and persons with a migration background, and helps not least to make full use of the existing labour force potential. It needs to be discussed whether and to what extent job-matching procedures can also be used for the tailored recruitment and placement of new immigrants in job vacancies.

Long-term prospects of economic immigration

Both at national and European level, the current focus of the development and testing of political and legal immigration measures in the labour market is on offsetting labour

shortages that have been predicted for the short and medium term. As outlined in the foregoing, the validity of relevant projections has repeatedly been called into question. It is even more uncertain and far more problematic to predict the long-term demand for labour. However, from the demographic, welfare state and economic perspective, we should make sure not to lose sight of reforms that take the longer term need for immigration into account owing to shrinking of the population, regardless of acute labour shortages. It has therefore also been proposed at European level that a proactive approach be adopted, giving due consideration to long-term scenarios:

“Even if internal measures aimed at boosting labour market participation could be fully realised, they will not be sufficient to compensate fully for the consequences of demographic change on future labour supply. The reality is that by 2050, in the unlikely absence of immigration, and at constant labour force participation, the EU labour force would decline by around 68 million workers. Since not all immigrants become economically active, a net gain of some 100 million people would eventually be needed to fill the gap. Realistically such a large net intake over the next 40 years is neither likely nor necessarily desirable. Nevertheless, migrant labour will be part of the solution to Europe’s future labour and skills shortages and the EU will need to develop a pro-active approach to immigration.” (Reflection Group 2010: 24)

The development of a common European strategy to ease demographic problems by managing immigration is certainly not an easy task in view of the different experiences the various EU Member States have had with immigration and emigration of labour migrants, not to mention the unequal characteristics of the welfare state and diverging developments on national labour markets. Notwithstanding this, the various actors should focus fully on further developing ways of predicting short and medium-term demand for labour. These are currently being explored in Germany. Optimising the statutory regulations governing immigration management equally deserves attention. Both could help to pave the way for longer-term problem solution strategies at national and European level in good time.

6 Annex

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Statistics

Chart A1: Employed persons by level of professional qualification
Results of the 2004 micro-census (Federal Statistical Office, special evaluation)
In Thousands

Main category	employed persons in total (excluding soldiers)				including (column 1-3): nationals of EU-14-states ¹⁾				including (column 1-3): nationals of EU-10-states ²⁾				including (column 1-3): nationals of EU-2-states (only Romania)				including (column 1-3): third country nationals			
	male	female	total		male	female	total	share of column 3 (%)	male	female	total	share of column 3 (%)	male	female	total	share of column 3 (%)	male	female	total	share of column 3 (%)
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	
A. Highly Skilled (ISCO 1-3)	3 471	3 161	6 632	90	59	149	2,2					/	/	/		97	73	170	2,6	
	4 634	3 333	7 967	137	79	216	2,7					/	/	/	0,1	310	154	464	5,8	
C. Low Skilled (ISCO 9)	568	712	1 280	22	29	50	3,9	EU-10-states for 2004 not presented due to poor classifications for nationalities				/	/	/		77	91	168	13,1	
Other (not reported, soldiers)	10 645	8 761	19 406	365	220	584	3,0					7	11	17	0,1	669	431	1 100	5,7	
Total	19 318	15 967	35 286	614	386	1 000	2,8					12	19	31	0,1	1 153	749	1 901	5,4	

1) excluding German nationals
2) Nationalities of EU-10-states have not been recorded in the 2004 micro-census as separate, evaluable code numbers

Chart A2: Employed persons by nationality and level of qualification
Results of the 2004 micro-census (Federal Statistical Office, special evaluation)
In Thousands

employed persons in total (excluding soldiers)				including (column 1-3) main categories									
	male	female	total	A. Highly Skilled (ISCO 1 - 3)			B. Skilled (ISCO 4 - 8)			C. Low Skilled (ISCO 9)			total
				male	female	total	male	female	total	male	female	total	
EU-14-states ¹⁾	1	2	3	4	5	6	8	9	10				
	614	386	1 000	90	59	149	137	79	216	22	29	50	
EU-10-states ²⁾	-	-	-	-	-	-	-	-	-	-	-	-	
EU-2-states (only Romania)	12	19	31	/	/	/	/	/	7	/	/	/	
third countries	1 153	749	1 901	97	73	170	310	154	464	77	91	168	
Most important third countries (2004):													
Turkey	462	222	684	24	13	37	140	43	183	31	36	67	
Croatia	85	74	159	6	5	11	26	17	44	/	/	10	
Serbia and Montenegro	83	50	133	/	/	10	24	10	34	6	7	14	
Poland	45	69	113	5	8	13	11	15	27	/	8	12	
other Eastern and Central Europe	64	44	108	5	6	10	18	11	29	6	5	10	
CIS-states	46	54	100	5	8	13	9	10	20	5	7	12	
Bosnia and Herzegovina	55	40	95	/	/	5	18	8	27	/	/	6	
other South Asia	37	31	68	/	/	6	9	6	15	/	/	6	
other Africa (excluding Morocco)	47	14	61	/	/	6	/	/	12	/	/	7	
East Asia	24	27	50	6	5	10	/	/	8	/	/	/	
Other	205	124	329	31	18	49	40	26	66	14	9	22	
Total	19 318	15 967	35 286	3 471	3 161	6 632	4 634	3 333	7 967	568	712	1 280	

1) excluding German nationals

2) Nationalities of EU-10-states have not been recorded in the 2004 micro-census as separate, evaluable code numbers

Chart A3: Employed persons by specific employment
Results of the 2004 micro-census (Federal Statistical Office, special evaluation)
In Thousands

Specific occupations	employed persons in total (excluding soldiers)				including (column 1-3): nationals of EU-14-states (excluding Germany)				including (column 1-3) nationals of EU-10-states 1)				including (column 1-3): nationals of EU-2-states (only Romania)				including (column 1-3): third country nationals													
	male	female	total	male	female	total	share of column 3 (%)	male	female	total	share of column 3 (%)	male	female	total	share of column 3 (%)	male	female	total	share of column 3 (%)											
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19											
Housekeeping and restaurant services workers (ISCO 512)	138	303	441	43	49	92	20,9	EU-10-states not presented for 2004 due to insufficient classifications of nationalities												26	34	60	13,6							
Personal care and related workers (ISCO 513)	35	356	391	/	/	22	5,6													/	/	/	/	/	/	/	/	/	16	4,1
Health professionals (except nursing) (ISCO 222)	124	95	219	/	/	8	3,7													/	/	/	/	/	/	/	/	/	/	/
Nursing and midwifery professionals (ISCO 223)																														
Skilled agricultural and fishery workers (ISCO 61)	116	70	186	/	/	10	5,4													/	/	/	/	/	/	/	/	/	8	4,3
architects, engineers and related professionals (ISCO 214)	418	70	488	20	5	24	4,9	EU-10-states not presented for 2004 due to insufficient classifications of nationalities												/	/	12	2,5							
Teaching professionals (ISCO 23)	195	324	519	10	14	24	4,6													/	/	/	/	/	/	/	/	/	9	1,7
Labourers in mining, construction, manufacturing and transport (ISCO 93)	322	179	501	66	22	88	17,6													/	/	/	/	/	/	/	/	/	66	13,2
specific occupations in total	1 348	1 397	2 745	154	116	268	9,8													/	/	/	/	/	/	/	/	/	75	6,4
Total	19 318	15 967	35 286	614	386	1 000	2,8													12	19	31	0,1	1 153	749	1 901	5,4			

1) Nationalities of EU-10-states have not been recorded in the 2004 micro-census as separate, evaluable code numbers

Chart A5: Employed persons by nationality and level of qualification
Results of the 2005 micro-census (Federal Statistical Office, special evaluation)
In Thousands

Employed persons in total (excluding soldiers)			Including (column 1-3) main categories									
	male	female	total	A. Highly Skilled (ISCO 1 - 3)			B. Skilled (ISCO 4 - 8)			C. Low Skilled (ISCO 9)		
				male	female	total	male	female	total	male	female	total
1		2	3	4	5	6	8	9	10	11	12	13
EU-14-states ¹⁾	635	392	1 028	profession ISCO not available in 2005								
EU-10-states	95	118	212									
EU-2-states	16	31	48									
third countries	1 105	654	1 759									
most important third countries (2005):												
Turkey	433	204	637	profession ISCO not available in 2005								
Croatia	84	81	165									
Serbia and Montenegro	87	52	138									
Bosnia and Herzegovina	73	50	124									
Russian Federation	55	49	104									
other South and South-East Asia	37	34	71									
other Eastern Europe	32	21	54									
other Africa (excluding Morocco, other North Africa)	35	17	52									
United States of America	36	15	51									
Vietnam	21	16	38									
Other	212	114	326									
Total	19 802	16 422	36 223									

1) excluding German nationals

Chart A6: Employed persons by specific occupations
Results of the 2005 micro-census (Federal Statistical Office, special evaluation)
In Thousands

Specific occupations	employed persons in total (excluding soldiers)				including (column 1-3): nationals of EU-14-states (excluding Germany)				including (column 1-3): nationals of EU-10-states				including (column 1-3): nationals of EU-2-states (Bulgaria, Romania)				including (column 1-3): third country nationals			
	male	female	total		male	female	total	share of column 3 (%)	male	female	total	share of column 3 (%)	male	female	total	share of column 3 (%)	male	female	total	share of column 3 (%)
	1	2	3		4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
Housekeeping and restaurant services workers (ISCO 512)																				
Personal care and related workers (ISCO 513)																				
Health professionals (except nursing) (ISCO 222)																				
Nursing and midwifery professionals (ISCO 223)																				
Skilled agricultural and fishery workers (ISCO 61)																				
architects, engineers and related professionals (ISCO 214)																				
Teaching professionals (ISCO 23)																				
Labourers in mining, construction, manufacturing and transport (ISCO 93)																				
specific occupations in total																				
Total	19 802	16 422	36 223		635	392	1 028	2,8	95	118	212	0,6	16	31	48	0,1	1 105	654	1 759	4,9

profession ISCO not
available in 2005

profession ISCO not
available in 2005

profession ISCO not
available in 2005

profession ISCO not
available in 2005

Chart A7: Employed persons by level of qualification
Results of the 2006 micro-census (Federal Statistical Office, special evaluation)
In Thousands

Main category	employed persons in total (excluding soldiers)				including (column 1-3): nationals of EU-14-states (excluding Germany)				including (column 1-3): nationals of EU-10-states				including (column 1-3): nationals of EU-2-states (Bulgaria, Romania)				including (column 1-3): third country nationals			
	male	female	total		male	female	total	share of column 3 (%)	male	female	total	share of column 3 (%)	male	female	total	share of column 3 (%)	male	female	total	share of column 3 (%)
	1	2	3		4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
A. Highly Skilled (ISCO 1-3)	8 010	7 344	15 353	229	145	374	2,4	2,4	29	42	71	0,5	9	11	20	0,1	238	157	395	2,6
B. Skilled (ISCO 4-8)	10 399	7 650	18 049	339	185	524	2,9	2,9	57	56	114	0,6	12	17	28	0,2	676	310	986	5,5
C. Low Skilled (ISCO 9)	1 442	1 653	3 095	54	62	116	3,7	3,7	/	/	/	/	/	/	/	/	181	198	380	12,3
Other (not reported, soldiers);	320	205	525	8	5	13	2,5	2,5	/	/	/	/	/	/	/	/	22	16	38	7,2
Total	20 171	16 852	37 023	630	396	1 026	2,8	2,8	102	127	229	0,6	26	36	62	0,2	1 117	682	1 799	4,9

Chart A8: Employed persons by nationality and level of qualification
Results of the 2006 micro-census (Federal Statistical Office, special evaluation)
In Thousands

		Employed persons in total (excluding soldiers)		Including (column 1-3) main categories											
				A. Highly Skilled (ISCO 1 - 3)			B. Skilled (ISCO 4 - 8)			C. Low Skilled (ISCO 9)					
	male	female	total	male	female	total	male	female	total	male	female	total	male	female	total
	1	2	3	4	5	6	8	9	10	11	12	13			
EU-14-states ¹⁾	630	396	1 026	229	145	374	339	185	524	54	62	116			
EU-10-states	102	127	229	29	42	71	57	56	114	14	27	41			
EU-2-states	26	36	62	9	11	20	12	17	28	5	7	12			
third countries	1 117	682	1 799	238	157	395	676	310	986	181	198	380			
Most important third countries (2006):															
Türkei	438	201	640	59	29	88	300	95	395	72	74	146			
Serbia und Montenegro	104	64	168	16	13	29	69	33	102	18	17	35			
Croatia	81	74	155	19	20	39	53	37	90	8	16	24			
Bosnia and Herzegovina	65	55	120	7	9	16	46	26	72	11	18	28			
Russian Federation	47	43	90	14	13	27	22	15	37	10	14	24			
other South and South-East Asia	38	36	74	14	8	22	19	16	35	5	11	16			
other Africa (excluding Morocco, other North Africa)	34	16	50	/	/	9	/	/	23	10	6	16			
United States of America	34	15	49	22	12	34	/	/	12	/	/	/			
Vietnam	24	21	45	/	/	10	15	13	28	/	/	/			
Ukraine	18	22	40	/	/	12	7	10	17	/	/	10			
Other	233	133	367	66	43	109	120	54	174	41	32	73			
Total	20 171	16 852	37 023	8 010	7 344	15 353	10 399	7 650	18 049	1 442	1 653	3 095			

1) excluding German nationals

Chart A9: Employed persons by specific occupations
Results of the 2006 micro-census (Federal Statistical Office, special evaluation)
In Thousands

Specific occupations	employed persons in total (excluding soldiers)				including (column 1-3): nationals of EU-14-states (excluding Germany)				including (column 1-3): nationals of EU-10-states				including (column 1-3): nationals of EU-2-states (Bulgaria, Romania)				including (column 1-3): third country nationals			
	male	female	total		male	female	total	share of column 3 (%)	male	female	total	share of column 3 (%)	male	female	total	share of column 3 (%)	male	female	total	share of column 3 (%)
	1	2	3		4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
Housekeeping and restaurant services workers (ISCO 512)	376	786	1 162		47	35	82	7,1	/	/	19	1,6	/	/	7	0,6	82	72	154	13,3
Personal care and related workers (ISCO 513)	94	850	944		/	/	11	1,2	/	/	6	0,6	/	/	/	/	5	30	34	3,6
Health professionals (except nursing) (ISCO 222)	260	221	482		/	/	9	1,9	/	/	/	/	/	/	/	/	/	/	7	1,5
Nursing and midwifery professionals (ISCO 223)																				
Skilled agricultural and fishery workers (ISCO 61)	285	162	446		/	/	7	2,7	/	/	/	/	/	/	/	/	/	/	15	1,9
architects, engineers and related professionals (ISCO 214)	977	164	1 141		/	/	31	4,0	/	/	5	0,9	/	/	/	/	25	5	30	12,5
Teaching professionals (ISCO 23)	424	708	1 132		12	19	31	3,4	/	/	/	0,8	/	/	/	0,3	8	14	22	6,3
Labourers in mining, construction, manufacturing and transport (ISCO 93)	781	432	1 213		35	14	49	3,4	/	/	11	0,8	/	/	/	0,3	114	38	152	6,3
specific occupations in total	3 197	3 323	6 520		134	87	220	3,4	20	30	50	0,8	8	10	18	0,3	253	161	414	6,3
Total	20 171	16 852	37 023		630	396	1 026	2,8	102	127	229	0,6	26	36	62	0,2	1 117	682	1 799	4,9

Chart A10: Employed persons by level of qualification
Results of the 2007 micro-census (Federal Statistical Office, special evaluation)
In Thousands

Main category	employed persons in total (excluding soldiers)				nationals of EU-14-states (excluding Germany)				including (column 1-3): nationals of EU-10-states				including (column 1-3): nationals of EU-2-states (Bulgaria, Romania)				including (column 1-3): third country nationals			
	male		female		male		female		male		female		male		female		male		female	
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	share of column 3 (%)
A. Highly Skilled (ISCO 1-3)	8 092	7 528	15 621	238	142	380	2,4	28	45	73	0,5	9	11	19	0,1	232	166	399	2,6	
B. Skilled (ISCO 4-8)	10 679	7 831	18 511	346	186	532	2,9	73	63	136	0,7	12	18	30	0,2	706	337	1 044	5,6	
C. Low Skilled (ISCO 9)	1 520	1 703	3 223	56	64	120	3,7	/	/	/	/	/	/	/	/	185	210	395	12,3	
Other (not reported, soldiers)	292	195	487	9	6	15	3,1	/	/	/	/	/	/	/	/	20	12	31	6,4	
Total	20 583	17 258	37 841	649	398	1 047	2,8	120	142	262	0,7	26	38	64	0,2	1 143	726	1 869	4,9	

Chart A11: Employed persons by nationality and level of qualification
Results of the 2007 micro-census (Federal Statistical Office, special evaluation)
In Thousands

Employed persons in total (excluding soldiers)				Including (column 1-3) main categories									
	male	female	total	A. Highly Skilled (ISCO 1 - 3)			B. Skilled (ISCO 4 - 8)			C. Low Skilled (ISCO 9)			total
				male	female	total	male	female	total	male	female	total	
1	1	2	3	4	5	6	8	9	10				
EU-14-states ¹⁾	649	398	1 047	238	142	380	346	186	532	56	64	120	
EU-10-states	120	142	262	28	45	73	73	63	136	17	31	49	
EU-2-states	26	38	64	9	11	19	12	18	30	5	8	13	
third countries	1 143	726	1 869	232	166	399	706	337	1 044	185	210	395	
Most important third countries (2007):													
Turkey	455	218	673	56	33	89	315	105	420	77	76	153	
Croatia	83	77	161	16	23	39	58	36	94	8	18	27	
Serbia	86	51	138	14	10	24	55	25	80	16	17	33	
Bosnia and Herzegovina	62	57	119	8	8	16	41	29	70	12	18	30	
Russian Federation	46	46	92	11	12	23	23	19	42	11	13	25	
other South and South-East Asia	37	39	76	12	7	20	19	19	37	5	12	17	
other Africa (excluding Morocco, other North Africa)	39	17	56	/	/	/	/	/	/	12	7	19	
Vietnam	28	21	49	/	/	/	19	13	32	/	/	/	
Ukraine	22	27	49	6	8	14	12	12	24	/	/	10	
United States of America	32	15	47	20	11	31	/	/	/	/	/	/	
Other	254	156	410	75	49	124	137	68	205	38	37	75	
Total	20 583	17 258	37 841	8 092	7 528	15 621	10 679	7 831	18 511	1 520	1 703	3 223	

1) excluding German nationals

Chart A12: Employed persons by specific occupations
Results of the 2007 micro-census (Federal Statistical Office, special evaluation)
In Thousands

Specific occupations:	employed persons in total (excluding soldiers)			including (column 1-3): nationals of EU-14-states (excluding Germany)				including (column 1-3): nationals of EU-10-states				including (column 1-3): nationals of EU-2-states (Bulgaria, Romania)				including (column 1-3): third country nationals			
	male	female	total	male	female	total	share of column 3 (%)	male	female	total	share of column 3 (%)	male	female	total	share of column 3 (%)	male	female	total	share of column 3 (%)
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
Housekeeping and restaurant services workers (ISCO 512)	371	807	1 178	47	31	79	6,7	5	14	19	1,6	/	/	8	0,7	74	78	152	12,9
Personal care and related workers (ISCO 513)	91	870	961	/	/	14	1,5	/	/	5	0,5	/	/	/	/	/	/	35	3,6
Health professionals (except nursing) (ISCO 222)	252	216	468	/	/	10	2,1	/	/	/	/	/	/	/	/	/	/	7	1,5
Nursing and midwifery professionals (ISCO 223)																			
Skilled agricultural and fishery workers (ISCO 61)	294	159	453	/	/	7	1,5	/	/	/	/	/	/	/	/	/	/	16	3,5
architects, engineers and related professionals (ISCO 214)	988	177	1 165	/	/	33	2,8	/	/	5	0,4	/	/	/	/	26	5	32	2,7
Teaching professionals (ISCO 23)	435	724	1 159	11	21	32	2,8	/	/	/	/	/	/	/	/	8	15	23	2,0
Labourers in mining, construction, manufacturing and transport (ISCO 93)	833	446	1 278	35	15	49	3,8	7	5	11	0,9	/	/	5	0,4	120	41	161	12,6
specific occupations in total	3 264	3 399	6 662	135	90	224	3,4	21	30	50	0,8	7	11	21	0,3	251	175	426	6,4
Total	20 583	17 258	37 841	649	398	1 047	2,8	120	142	262	0,7	26	38	64	0,2	1 143	726	1 869	4,9

Chart A13: Employed persons by level of qualification
Results of the 2008 micro-census (Federal Statistical Office, special evaluation)
In Thousands

Main category	employed persons in total (excluding soldiers)				including (column 1-3): nationals of EU-14-states (excluding Germany)				including (column 1-3): nationals of EU-10-states				including (column 1-3): nationals of EU-2-states (Bulgaria, Romania)				including (column 1-3): third country nationals			
	male	female	total		male	female	total	share of column 3 (%)	male	female	total	share of column 3 (%)	male	female	total	share of column 3 (%)	male	female	total	share of column 3 (%)
	1	2	3		4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
A. Highly Skilled (ISCO 1-3)	8 310	7 713	16 023		252	144	396	2,5	37	44	81	0,5	9	15	24	0,1	244	180	424	2,6
B. Skilled (ISCO 4-8)	10 751	7 878	18 630		334	190	524	2,8	74	69	143	0,8	16	17	33	0,2	715	339	1 054	5,7
C. Low Skilled (ISCO 9)	1 576	1 731	3 307		60	63	123	3,7	/	/	/	/	/	/	/	/	190	215	405	12,2
other (not reported, soldiers)	268	212	480		8	6	14	2,9	/	/	/	/	/	/	/	/	22	17	40	8,3
Total	20 906	17 534	38 439		655	403	1 058	2,8	133	152	285	0,7	31	40	71	0,2	1 172	751	1 923	5,0

Chart A14: Employed persons by nationality and level of qualification
Results of the 2008 micro-census (Federal Statistical Office, special evaluation)
In Thousands

Employed persons in total (excluding soldiers)				Including (column 1-3) main categories									
				A. Highly Skilled (ISCO 1 - 3)			B. Skilled (ISCO 4 - 8)			C. Low Skilled (ISCO 9)			
male	female	total		male	female	total	male	female	total	male	female	total	
1	2	3		4	5	6	8	9	10	11	12	13	
655	403	1058		252	144	396	334	190	524	60	63	123	
133	152	285		37	44	81	74	69	143	19	35	54	
31	40	71		9	15	24	16	17	33	5	7	12	
1172	751	1923		244	180	424	715	339	1054	190	215	405	
Most important third countries (2008):													
Turkey	467	228	695	61	30	92	318	112	430	81	81	162	
Croatia	88	76	164	18	23	41	60	39	99	9	15	23	
Serbia	84	49	134	14	11	25	56	23	79	14	16	29	
Bosnia and Herzegovina	66	51	118	9	10	18	48	24	72	9	17	26	
Russian Federation	41	53	94	10	15	25	22	19	41	9	17	26	
other South and South-East Asia	36	39	76	/	/	18	18	19	38	/	/	16	
other Africa (excluding Morocco, other North Africa)	38	20	58	/	/	10	/	/	28	11	7	17	
United States of America	35	17	52	21	12	33	/	/	13	/	/	/	
Vietnam	29	22	51	9	6	15	18	12	29	/	/	/	
Ukraine	21	27	48	7	9	15	8	11	19	6	6	12	
Other	267	166	433	76	55	131	139	67	206	44	39	84	
Total	20 906	17 534	38 439	8 310	7 713	16 023	10 751	7 878	18 630	1 576	1 731	3 307	

1) excluding German nationals

Chart A15: Employed persons by specific occupations
Results of the 2008 micro-census (Federal Statistical Office, special evaluation)
In Thousands

Specific occupations:	employed persons in total (excluding soldiers)				including (column 1-3): nationals of EU-14-states (excluding Germany)				including (column 1-3): nationals of EU-10-states				including (column 1-3): nationals of EU-2-states (Bulgaria, Romania)				including (column 1-3): third country nationals:			
	male	female	total		male	female	total	share of column 3 (%)	male	female	total	share of column 3 (%)	male	female	total	share of column 3 (%)	male	female	total	share of column 3 (%)
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	
Housekeeping and restaurant services workers (ISCO 512)	386	817	1 203	44	37	80	6.7	/	/	20	1.7	/	/	9	0.7	75	78	153	12.7	
Personal care and related workers (ISCO 513)	92	886	978	/	/	17	1.7	/	/	8	0.8	/	/	/	/	/	/	37	3.8	
Health professionals (except nursing) (ISCO 222)	249	225	473	6	6	12	2.5	/	/	/	/	/	/	/	/	/	/	8	1.7	
Nursing and midwifery professionals (ISCO 223)																				
Skilled agricultural and fishery workers (ISCO 61)	299	161	460	/	/	7	1.5	/	/	/	/	/	/	/	/	/	/	15	3.3	
architects, engineers and related professionals (ISCO 214)	998	188	1 186	/	/	33	2.8	/	/	7	0.6	/	/	/	/	27	7	35	3.0	
Teaching professionals (ISCO 23)	445	732	1 176	13	21	33	2.8	/	/	5	0.4	/	/	/	/	9	17	26	2.2	
Labourers in mining, construction, manufacturing and transport (ISCO 93)	867	459	1 327	38	14	52	3.9	9	6	15	1.1	/	/	/	/	124	44	169	12.7	
specific occupations in total	3 336	3 468	6 803	137	98	234	3.4	24	37	61	0.9	10	12	23	0.3	256	187	443	6.5	
Total	20 906	17 534	38 439	655	403	1 058	2.8	133	152	285	0.7	31	40	71	0.2	1 172	751	1 923	5.0	

Chart A16: Employed persons by level of professional qualification
Results of the 2009 micro-census (Federal Statistical Office, special evaluation)
In Thousands

Main category	employed persons in total (excluding soldiers)			including (column 1-3): nationals of EU-14-states (excluding Germany)				including (column 1-3): nationals of EU-10-states				including (column 1-3): nationals of EU-2-states (Bulgaria, Romania)				including (column 1-3): third country nationals			
	male	female	total	male	female	total	share of column 3 (%)	male	female	total	share of column 3 (%)	male	female	total	share of column 3 (%)	male	female	total	share of column 3 (%)
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
A. Highly Skilled (ISCO 1-3)	8 391	7 933	16 324	252	158	410	2,5	36	49	85	0,5	11	15	26	0,2	266	189	454	2,8
B. Skilled (ISCO 4-8)	10 510	7 824	18 334	315	173	488	2,7	88	70	158	0,9	15	18	33	0,2	690	364	1 054	5,7
C. Low Skilled (ISCO 9)	1 509	1 702	3 211	57	63	120	3,7	/	/	/	/	/	/	/	/	174	215	389	12,1
other (not reported, soldiers)	277	219	496	7	5	12	2,4	/	/	/	/	/	/	/	/	22	17	39	7,9
Total	20 686	17 679	38 365	631	399	1 030	2,7	148	165	313	0,8	31	44	75	0,2	1 153	785	1 937	5,0

Chart A17: Employed persons by nationality and level of qualification
Results of the 2009 micro-census (Federal Statistical Office, special evaluation)
In Thousands

	employed persons in total (excluding soldiers)			Including (column 1-3) main categories											
	male	female	total	A. Highly Skilled (ISCO 1 - 3)			B. Skilled (ISCO 4 - 8)			C. Low Skilled (ISCO 9)			male	female	total
				male	female	total	male	female	total	male	female	total			
				4	5	6	8	9	10						
EU-14-states ¹⁾	631	399	1 030	252	158	410	315	173	488	57	63	120			
EU-10-states	148	165	313	36	49	85	88	70	158	22	41	63			
EU-2-states	31	44	75	/	/	26	15	18	33	/	/	13			
third countries	1 153	785	1 937	266	189	454	690	364	1 054	174	215	389			
Most important third countries (2009):															
Turkey	443	229	672	64	35	99	301	111	412	71	79	150			
Croatia	79	76	155	17	21	38	53	39	93	9	15	24			
Bosnia and Herzegovina	57	48	105	9	10	20	39	24	62	7	13	20			
Russian Federation	45	59	104	14	19	33	23	22	45	8	15	23			
Serbia	53	45	98	11	10	21	33	21	54	8	14	22			
other South and South-East Asia	40	43	83	16	8	24	17	20	38	5	13	18			
Kosovo	50	21	71	/	/	6	/	/	45	/	/	19			
Ukraine	25	32	57	9	10	19	10	15	25	6	6	12			
Other Africa (excluding Morocco; other North Africa)	35	19	53	/	/	9	16	7	24	/	/	/			
United States of America	35	16	51	23	11	35	/	/	/	/	/	/			
Other	291	197	487	92	59	150	153	90	244	38	42	81			
Total	20 686	17 679	38 365	8 391	7 933	16 324	10 510	7 824	18 334	1 509	1 702	3 211			

1) excluding German nationals

Chart A17: Employed persons by specific occupations
Results of the 2009 micro-census (Federal Statistical Office, special evaluation)
In Thousands

Specific occupations:	employed persons in total (excluding soldiers)			including (column 1-3): nationals of EU-14-states (excluding Germany)				including (column 1-3): nationals of EU-10-states				including (column 1-3): nationals of EU-2-states (Bulgaria, Romania)				including (column 1-3): third country nationals			
	male	female	total	male	female	total	share of column 3 (%)	male	female	total	share of column 3 (%)	male	female	total	share of column 3 (%)	male	female	total	share of column 3 (%)
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
Housekeeping and restaurant services workers (ISCO 512)	394	838	1 232	40	30	71	5,8	5	20	25	2,0	/	/	10	0,8	83	90	173	14,0
Personal care and related workers (ISCO 513)	97	914	1 011	/	/	17	1,7	/	/	/	/	/	/	/	/	/	/	41	4,1
Health professionals (except nursing) (ISCO 222)	265	238	503	7	5	12	2,4	/	/	5	1,0	/	/	/	/	5	6	11	2,2
Nursing and midwifery professionals (ISCO 223)																			
Skilled agricultural and fishery workers (ISCO 61)	296	160	456	/	/	7	1,5	/	/	/	/	/	/	/	/	/	/	15	3,3
architects, engineers and related professionals (ISCO 214)	1 021	201	1 222	28	6	34	2,8	/	/	7	0,6	/	/	/	/	32	8	40	3,3
Teaching professionals (ISCO 23)	446	750	1 196	13	17	30	2,5	/	/	6	0,5	/	/	/	/	15	18	33	2,8
Labourers in mining, construction, manufacturing and transport (ISCO 93)	800	420	1 220	34	15	48	3,9	/	/	15	1,2	/	/	/	/	109	39	148	12,1
specific occupations in total	3 319	3 521	6 840	130	90	219	3,2	27	38	65	1,0	10	13	23	0,3	260	201	461	6,7
Total	20 686	17 679	38 365	631	399	1 030	2,7	148	165	313	0,8	31	44	75	0,2	1 153	785	1 937	5,0

Chart A19: Vacancies notified, 2004 - 2009 (stock)*

	total vacancies	unsubsidised jobs**	unsubsidised "ordinary" jobs**
2004	285.607	256.649	161.796
2005	413.078	299.437	201.982
2006	564.210	389.130	308.868
2007	621.391	431.383	384.794
2008	568.513	391.297	357.661
2009	485.528	301.278	272.766

* at an annual average; notified vacancies are defined as posts notified for filling with an expected duration of employment of more than seven calendar days

** "ordinary" jobs are non-state-funded (unsubsidised) jobs in which employees are liable for compulsory social-insurance payments – not including, however, permanent job openings, jobs offered by job centres, telework, seasonal work, part-time work leading into retirement, jobs offered by personnel service agencies, jobs for guest workers and domestic help for persons in need of nursing care. State-funded (subsidised) jobs comprise jobs offered by personnel service agencies, job creation measures, infrastructure measures that create jobs and subsidised quasi-employment jobs.

Source: Federal Employment Agency (data status: December 2009)

Chart A20: Number of vacancies notified by branch of industry (stock), December 2008 and December 2009
Part 1

Branch of industry (main divisions)	Total in Germany		
	2008	2009	+/- in %
01 agriculture, hunting and related occupations	2.380	1.977	-16,9
02 forestry and logging	219	235	7,3
03 fishing and aquaculture	9	15	66,7
05 coal mining	19	38	100,0
06 oil and gas production	10	6	-40,0
07 ore mining	*	*	*
08 quarrying, other mining	42	50	19,0
09 services for mining and quarrying	60	30	-50,0
10 food and fodder production	4.109	3.993	-2,8
11 beverage production	157	111	-29,3
12 tobacco processing	26	8	-69,2
13 textile production	281	296	5,3
14 clothing production	204	224	9,8
15 production of leather, leatherware and shoes	63	104	65,1
16 production of wooden, basket and cork works (excluding furniture)	881	465	-47,2
17 production of paper, cardboard and goods of these	296	295	-0,3
18 printing and copy industry	846	681	-19,5
19 coking and mineral oil processing	40	33	-17,5
20 production of chemical products	764	518	-32,2
21 production of pharmaceutical products	244	277	13,5
22 production of rubber and plastic ware	997	1.047	5,0
23 production of glass, ceramics, processing of stones and earths	850	549	-35,4
24 metal production and processing	640	347	-45,8
25 production of metal products	4.737	2.749	-42,0
26 production of DV devices, electrical and optical products	2.058	1.063	-48,3
27 production of electric equipment	1.201	781	-35,0
28 engineering	4.913	1.987	-59,6
29 production of vehicles and vehicle parts	814	533	-34,5
30 other vehicle construction	460	202	-56,1
31 production of furniture	890	706	-20,7

Chart A20: Number of vacancies notified by branch of industry (stock), December 2008 and December 2009
Part 2

Branch of industry (main divisions)	Total in Germany		
	2008	2009	+/- in %
32 production of other goods	1.260	1.405	11,5
33 repair and installation of machines and equipment	1.259	746	-40,7
35 energy supply	734	628	-14,4
36 water supply	51	76	49,0
37 sewage disposal	151	175	15,9
38 refuse collection, waste treatment and disposal, recycling	2.602	1.815	-30,2
39 elimination of environmental pollution and other disposal	74	31	-58,1
41 structural engineering	2.037	1.525	-25,1
42 civil engineering	1.013	824	-18,7
43 Preparation of construction sites, scaffolding, other finishing trades	12.613	11.386	-9,7
45 automobile trade, maintenance and repair of vehicles	4.112	3.606	-12,3
46 wholesale (excluding vehicle trade)	8.301	7.649	-7,9
47 retail (excluding vehicle trade)	16.812	16.946	0,8
49 land transport and transport via pipelines	4.047	3.217	-20,5
50 shipping	294	199	-32,3
51 aviation	107	76	-29,0
52 storage and delivery of other services for traffic	4.749	4.319	-9,1
53 mail, courier and express services	1.485	1.168	-21,3
55 accommodation	6.136	6.021	-1,9
56 gastronomy	14.233	13.870	-2,6
58 publishing	580	704	21,4
59 film, TV, cinema and recording studio	124	124	0,0
60 broadcasting	62	59	-4,8
61 telecommunication	494	269	-45,5
62 services of information technology	4.804	3.763	-21,7
63 information services	2.098	1.676	-20,1
64 provision of financial services	732	607	-17,1
65 insurance, reinsurance and pension funds (including social security funds)	1.371	1.589	15,9
66 occupations in financial and insurance services	2.196	2.247	2,3
68 real estate and housing	1.609	1.475	-8,3
69 legal advice and tax advice, accounting	2.242	2.199	-1,9

Chart A20: Number of vacancies notified by branch of industry (stock), December 2008 and December 2009
Part 3

Branch of industry (main divisions)		Total in Germany		
		2008	2009	+/- in %
70	business and company administration and management, management consulting	5.804	6.454	11,2
71	architecture, engineering offices, laboratories	6.630	4.544	-31,5
72	research and development	1.118	1.084	-3,0
73	advertising and market research	1.817	1.923	5,8
74	other freelance work, scientific and technical occupations	557	560	0,5
75	veterinary	134	127	-5,2
77	renting of movables	923	671	-27,3
78	labour recruitment and provision of personnel	133.731	100.952	-24,5
79	travel agencies and tour operators and other booking services	1.254	768	-38,8
80	watch and security services and detective agencies	3.930	3.688	-6,2
81	services to buildings, gardening and landscaping	11.595	10.346	-10,8
82	business services for companies and private persons not mentioned elsewhere	6.431	5.200	-19,1
84	public administration, defence; social insurance	27.290	28.314	3,8
85	upbringing and education	49.133	56.457	14,9
86	health care	13.462	14.704	9,2
87	homes (excluding recreation and vacation homes)	13.996	15.175	8,4
88	social services (excluding homes)	52.028	54.146	4,1
90	creative, artistic and entertainment occupations	507	441	-13,0
91	libraries, archives, museums, botanic and zoological gardens	753	709	-5,8
92	gambling, betting and lottery	384	478	24,5
93	sports, entertainment and recreation services	3.710	3.085	-16,8
94	representation of interests and associations (excluding social affairs and sports)	29.570	29.737	0,6
95	repair of data processing devices and consumer goods	918	722	-21,4
96	other mainly private services	8.649	9.135	5,6
97	private households with domestic staff	934	907	-2,9
98	services for and production of goods of private households for subsistence	3	6	100,0
99	extraterritorial organizations and corporations	72	114	58,3
ZZ	not reported	1.202	647	-46,2
total		503.128	460.809	-8,4

* numerical values smaller than 3 are anonymised with “*”

Source: Federal Employment Agency (Data status: December 15th of respective year)

Chart A21: Vacancies* and posts filled, 2004 - 2008 (stock)

Branches of industry by classification	2004				2005				2006				2007				2008			
	Posts filled	Vacancies	Ratio of vacancies	Annual change of ratio	Posts filled	Vacancies	Share/ratio of vacancies	Annual change of share/ratio	Posts filled	Vacancies	Share/ratio of vacancies	Annual change of share/ratio	Posts filled	Vacancies	Share/ratio of vacancies	Annual change of share/ratio	Posts filled	Vacancies	Share/ratio of vacancies	Annual change of share/ratio
D	7.518.090	73.010	1	:	7.747.360	112.690	1,4	0,4	:	153.829	2	0,6	7.593.565	128.865	1,7	-0,3	7.733.758	89.318	1,1	-0,6
F	1.862.460	21.560	1,1	-0,3	1.866.470	21.100	1,1	0	:	75.413	3,9	2,8	1.864.510	40.991	2,2	-1,7	1.871.991	38.871	2	-0,2
G	5.034.460	68.950	1,4	:	5.436.310	146.310	2,6	1,2	:	172.376	2,7	0,1	5.963.562	123.877	2	-0,7	5.442.430	94.960	1,7	-0,3
H	1.141.580	52.720	4,4	:	1.367.650	111.510	7,5	3,1	:	67.898	5,3	-2,2	1.272.894	66.219	4,9	-0,4	1.357.259	61.852	4,4	-0,5
I	1.870.350	24.250	1,3	:	1.938.240	30.380	1,5	0,2	:	66.940	3	1,5	2.479.171	55.019	2,2	-0,8	1.950.959	61.911	3,1	0,9
J	1.150.740	13.330	1,1	:	1.207.440	26.900	2,2	1,1	:	18.341	1,5	-0,7	1.165.821	14.355	1,2	-0,3	1.171.358	12.681	1,1	-0,1
K	3.890.590	299.570	7,1	:	4.302.160	389.940	8,3	1,2	:	453.830	10	1,7	4.241.079	513.537	10,8	0,8	4.588.099	421.908	8,4	-2,4
L	2.522.240	19.490	0,8	:	2.491.800	36.460	1,4	0,6	:	57.047	2	0,6	2.619.297	43.764	1,6	-0,4	2.655.722	35.586	1,3	-0,3
O	1.143.080	35.580	3	:	1.210.050	60.610	4,8	1,8	:	90.736	6,7	1,9	1.180.604	85.045	6,7	0	1.178.398	79.815	6,3	-0,4
Total	32.668.340	728.790	2,2	-0,3	33.965.330	1.112.700	3,2	1	:	1.370.768	3,8	0,6	34.711.673	1.274.997	3,5	-0,3	34.284.159	1.089.726	3,1	-0,4

A - Agriculture, hunting and forestry (data not available)

B - Fishing (data not available)

C - Mining and quarrying (data not available)

D - Manufacturing

E - Electricity, gas and water supply (data not available)

F - Construction

G - Wholesale and retail trade; repair of vehicles, motorcycles and personal and household goods

H - Hotels and restaurants

I - Transport, storage and communication

J - Financial intermediation

K - Real estate, renting and business activities

L - Public administration and defence; compulsory social security

M - Education (data not available)

N - Health and social work (data not available)

O - Other community, social, personal service activities

Source: Eurostat (NACE Rev. 1.1)

* A vacancy is defined as a newly created, not filled or upcoming vacant paid post, a) for which the employer actively takes steps to fill it with a suitable applicant outside the respective company, and is prepared to take further steps, and b) which the employer is intended to fill immediately or within a specific time period. A vacant post that is only offered to internal candidates is not considered as a vacancy. The regulation on the quarterly statistics of vacancies applies from 2010.

Chart A22: Immigration of foreign workers by legal status (granted first time or re-granted after previous emigration)

Year: 2007		third country nationals			
		male	female	unknown	total
Highly qualified (§ 19)		134	17	-	151
researchers (§ 20 I)*		-	-	-	-
employed (§ 18)**		19.441	9.302	18	28.761
self-employed (§ 21)		560	330	1	891
TOTAL		20.135	9.649	19	29.803

Analyses of the AZR, effective date: March 31st, 2008.

* § 20 I Residence Act has only been integrated in the AZR since March 1st, 2008.

** Analysis in 2007 only possible in accordance with § 18 Residence Act as a whole.

Chart A23: Immigration of foreign workers by nationality (third countries) and legal status (granted first time or re-granted after previous emigration)

Year: 2007

Nationalities	Total				main categories															
					highly qualified (\$ 19)				qualified and marginally employed (\$ 18)				researchers (\$ 20 I+V)				self-employed (\$ 21)			
	m	u	f	total	m	u	f	total	m	u	f	total	m	u	f	total	m	u	f	total
United States of America	2.496	2	1.189	3.687	74	-	8	82	2.258	2	1.069	3.329	-	-	-	-	164	-	112	276
	2.758	2	474	3.234	2	-	-	2	2.750	2	474	3.226	-	-	-	-	6	-	-	6
China	2274	1	865	3.140	3	-	2	5	2.133	1	787	2.921	-	-	-	-	138	-	76	214
Russian Federation	587	2	1.238	1.827	5	-	2	7	549	1	1.220	1.770	-	-	-	-	33	1	16	50
Japan	1406	1	307	1.714	9	-	-	9	1.383	1	293	1.677	-	-	-	-	14	-	14	28
Croatia	1.607	-	87	1.694	-	-	-	-	1.605	-	87	1.692	-	-	-	-	2	-	-	2
Ukraine	475	2	1.099	1.576	1	-	1	2	458	2	1.078	1.538	-	-	-	-	16	-	20	36
Bosnia and Herzegovina	1.427	-	42	1.469	-	-	-	-	1.426	-	42	1.468	-	-	-	-	1	-	-	1
Turkey	1.210	-	148	1.358	3	-	-	3	1.193	-	146	1.339	-	-	-	-	14	-	2	16
Brazil	443	-	401	844	3	-	1	4	437	-	398	835	-	-	-	-	3	-	2	5
Total nationalities rank 1-10	14.683	10	5.850	20.543	100	-	14	114	14.192	9	5.594	19.795	-	-	-	-	391	1	242	634
Total (all nationalities)	20.135	19	9.649	29.803	134	-	17	151	19.441	18	9.302	28.761	-	-	-	-	560	1	330	891

Note: The list of the 10 largest nationality groups refers to the total immigration of workers, not to one of the sub-groups. Analysis of the AZR, effective date: March, 31st, 2008

Chart A24: Emigration of foreign workers by previous legal status

Year: 2007		third country nationals			
		male	female	unknown	total
highly qualified (§ 19)	Emigration to foreign country	29	7	-	36
	Emigration to unknown	4	-	-	4
sum		33	7	-	40
qualified and marginally employed (§ 18)*	Emigration to foreign country	10.967	3.710	20	14.697
	Emigration to unknown	1.299	542	1	1.842
sum		12.266	4.252	21	16.539
researchers (§ 20 I)**	Emigration to foreign country	-	-	-	-
	Emigration to unknown	-	-	-	-
sum		-	-	-	-
self-employed (§ 21)	Emigration to foreign country	192	77	-	269
	Emigration to unknown	64	24	-	88
sum		256	101	-	357
TOTAL		12.555	4.360	21	16.936

Chart A25: Emigration of foreign workers by nationality (third countries) and legal status

Year: 2007

Nationalities	total			main categories											
				highly qualified (§ 19)			qualified and marginally employed (§ 18)			self-employed (§ 21)					
	m	u	f	m	u	f	m	u	f	m	u	f	m	u	total
India	1.687	1	256	1.944	1	-	1.680	1	256	1.937	6	-	6	-	6
United States of America	1.261	1	501	1.763	12	3	1.202	1	480	1.683	47	-	18	-	65
Croatia	1.589	-	67	1.656	-	-	1.587	-	67	1.654	2	-	-	-	2
China	1.186	-	418	1.604	1	-	1.137	-	395	1.532	48	-	23	-	71
Bosnia and Herzegovina	1.304	1	16	1.321	-	-	1.302	1	16	1.319	2	-	-	-	2
Japan	1.007	-	215	1.222	5	-	983	-	210	1.193	19	-	5	-	24
Turkey	1.090	-	85	1.175	-	1	1.088	-	84	1.172	2	-	-	-	2
Russian Federation	305	3	571	879	-	-	300	3	568	871	5	-	3	-	8
Ukraine	192	3	518	713	-	-	185	3	515	703	7	-	3	-	10
Brazil	214	-	168	382	-	-	213	-	168	381	1	-	-	-	1
Total nationalities rank 1-10	9.835	9	2.815	12.659	19	4	9.677	9	2.759	12.445	139	-	52	-	191
Total (all nationalities)	12.555	21	4.360	16.936	33	7	12.266	21	4.252	16.539	256	-	101	-	357

Note: The list of the 10 largest nationality groups refers to the total immigration of workers, not to one of the sub-groups.
 Analysis of the AZR, effective date: December, 31st, 2007.

Chart A26: immigration of foreign workers by legal status (granted first time or re-granted after previous emigration)

Year: 2008				
	third country nationals			
	male	female	unknown	total
highly qualified (§ 19) (Settlement Permit)	121	36	-	157
researchers (§ 20 I)	45	19	-	64
qualified and marginally employed (§ 18)*	20.096	9.041	4	29.141
self-employed (§ 21)	822	417	-	1.239
TOTAL	21.084	9.513	4	30.601

Analysis of the AZR, effective date: March 31st, 2009.

*Analysis in 2008 only possible in accordance with § 18 Residence Act as a whole.

Chart A27: Immigration of foreign workers by nationality (third countries) and legal status (granted first time or re-granted after previous emigration)

Nationalities	total				main categories															
					highly qualified (§ 19) (Settlement Permit)				qualified and marginally employed (§ 18)				researchers (§ 20 I+V)				self-employed (§ 21)			
	m	u	f	total	m	u	f	total	m	u	f	total	m	u	f	total	m	u	f	total
United States of America	2.597	1	1.339	3.935	56	-	15	71	2.333	1	1.122	3.455	4	-	1	5	204	-	156	360
India	3.373	-	479	3.852	8	-	2	10	3.352	-	474	3.826	5	-	2	7	8	-	-	8
China	1.740	-	904	2.644	3	-	2	5	1.585	-	823	2.408	8	-	3	11	144	-	70	214
Russian Federation	687	-	1.115	1.802	9	-	4	13	617	-	1.085	1.702	4	-	3	7	57	-	20	77
Japan	1.420	-	330	1.750	4	-	-	4	1.402	-	312	1.714	2	-	1	3	12	-	4	16
Croatia	1.513	-	81	1.594	2	-	-	2	1.510	-	78	1.588	-	-	-	-	1	-	1	2
Turkey	1.239	-	209	1.448	4	-	1	5	1.212	-	205	1.417	1	-	-	1	22	-	1	23
Ukraine	485	-	889	1.374	3	-	1	4	461	-	869	1.330	2	-	-	2	19	-	18	37
Bosnia and Herzegovina	1.322	-	40	1.362	-	-	-	-	1.311	-	39	1.350	1	-	-	1	10	-	1	11
Brazil	490	-	389	879	5	-	-	5	466	-	381	847	-	-	-	-	19	-	8	27
Total nationalities rank 1-10	14.866	1	5.775	20.640	94	-	25	119	14.249	1	5.388	19.637	27	-	10	37	496	-	279	775
Total (all nationalities)	21.084	4	9.513	30.601	121	-	36	157	20.096	4	9.041	29.141	45	-	19	64	822	-	417	1.239

Note: The list of the 10 largest nationality groups refers to the total immigration of workers, not to one of the sub-groups. Analysis of the AZR, effective date: March, 31st, 2009

Chart A28: Emigration of foreign workers by previous legal status

Year: 2008		third country nationals			
		male	female	unknown	total
highly qualified (§ 19)	Emigration to foreign country	59	7	-	66
	Emigration to unknown	18	6	-	24
	sum	77	13	-	90
qualified and marginally employed (§ 18*)	Emigration to foreign country	12.598	4.132	5	16.735
	Emigration to unknown	1.664	669	1	2.334
	sum	14.262	4.801	6	19.069
researchers (§ 20 I)	Emigration to foreign country	2	-	-	2
	Emigration to unknown	-	-	-	-
	sum	2	-	-	2
self-employed (§ 21)	Emigration to foreign country	242	128	-	370
	Emigration to unknown	105	27	-	132
	sum	347	155	-	502
TOTAL		14.686	4.969	6	19.661

* Analysis in 2008 only possible in accordance with § 18 Residence Act as a whole.
Analysis of the AZR, effective date: December 31st, 2008.

Chart A29: Emigration of foreign workers by nationality (third countries) and legal status

Year: 2008

Nationalities	total				main categories															
					highly qualified (\$ 19)				qualified and marginally employed (\$ 18)				researchers (\$ 20 I+V)				self-employed (\$ 21)			
	m	u	f	total	m	u	f	total	m	u	f	total	m	u	f	total	m	u	f	total
India	2.092	2	309	2.403	5	-	-	5	2.079	2	309	2.390	-	-	-	-	8	-	-	8
United States of America	1.461	2	686	2.149	35	-	6	41	1.363	2	637	2.002	-	-	-	-	63	-	43	106
China	1.479	1	535	2.015	6	-	-	6	1.393	1	494	1.888	1	-	-	1	80	-	41	121
Croatia	1.850	-	75	1.925	2	-	-	2	1.848	-	75	1.923	-	-	-	-	2	-	-	2
Bosnia and Herzegovina	1.355	-	18	1.373	-	-	-	-	1.354	-	16	1.370	-	-	-	-	1	-	2	3
Japan	1.099	-	209	1.308	9	-	-	9	1.065	-	206	1.271	-	-	-	-	25	-	3	28
Turkey	924	-	98	1.022	4	-	-	4	907	-	98	1.005	-	-	-	-	13	-	-	13
Russian Federation	403	-	596	999	2	-	2	4	388	-	590	978	-	-	-	-	13	-	4	17
Ukraine	257	-	500	757	1	-	1	2	243	-	480	723	-	-	-	-	13	-	19	32
Brazil	229	-	212	441	1	-	1	2	326	-	211	537	1	-	-	1	2	-	-	2
Total nationalities rank 1-10	11.149	5	3.238	14.392	64	-	10	74	10.966	5	3.116	14.087	2	-	-	2	220	-	112	332
Total (all nationalities)	14.686	6	4.969	19.661	77	-	13	90	14.262	6	4.801	19.069	2	-	-	2	347	-	155	502

Note: The list of the 10 largest nationality groups refers to the total immigration of workers, not to one of the sub-groups.
 Analysis of the AZR, effective date: December, 31st, 2008.

Chart A30: immigration of foreign workers by legal status (granted first time or re-granted after previous emigration)

Year: 2009

	third country nationals			
	male	female	unknown	total
highly qualified (§ 19) (Settlement Permit)	137	31	1	169
researchers (§ 20 I+V)	101	41	-	142
qualified (§ 18 IV clause 1+2)	11.941	2.862	13	14.816
low qualified (§ 18 III)	3.650	4.745	10	8.405
employed (§ 18)	1.509	323	-	1.832
self-employed (§ 21)	701	318	5	1.024
TOTAL	18.039	8.320	29	26.388

Analysis of the AZR, effective date: March, 31st, 2010.

Chart A31: Immigration of foreign workers by nationality (third countries) and legal status (granted first time or re-granted after previous emigration)

Year: 2009

Nationalities	total			main categories																								
				highly qualified (§ 19) (Settlement Permit)			qualified (§ 18 IV clause 1+2)			low qualified (§ 18 III)			employed (§ 18)			researchers (§ 20 I+V)			self-employed (§ 21)									
	m	u	f	total	m	u	f	total	m	u	f	total	m	u	f	total	m	u	f	total	m	u	f	total				
United States of America	2.113	11	1.105	3.229	56	1	16	73	1.311	5	561	1.877	426	2	339	767	115	-	41	156	15	-	4	19	190	3	144	337
India	2.678	4	412	3.094	18	-	3	21	2.296	4	330	2.630	56	-	47	103	233	-	21	254	10	-	2	12	65	-	9	74
China	1.687	669	-	2.356	1	-	-	1	1.437	-	407	1.844	81	-	199	280	57	-	23	80	11	-	7	18	100	-	33	133
Croatia	1.744	3	111	1.858	-	-	-	-	989	1	41	1.031	435	2	58	495	311	-	12	323	-	-	-	-	9	-	-	9
Bosnia and Herzegovina	1.602	-	38	1.640	-	-	1	1	873	-	14	887	578	-	22	600	146	-	-	146	-	-	-	-	5	-	1	6
Russian Federation	504	-	1.031	1.535	5	-	1	6	292	-	234	526	122	-	732	854	36	-	44	80	6	-	4	10	43	-	16	59
Japan	1.096	2	217	1.315	13	-	-	13	952	1	160	1.113	43	1	36	80	60	-	5	65	13	-	1	14	15	-	15	30
Ukraine	421	-	847	1.268	2	-	1	3	219	-	110	329	128	-	692	820	19	-	23	42	2	-	1	3	51	-	20	71
Turkey	891	-	162	1.053	4	-	1	5	715	-	110	825	115	-	42	157	42	-	5	47	2	-	4	6	13	-	-	13
Serbia	823	1	44	868	-	-	-	-	326	-	26	352	458	1	13	472	9	-	1	10	-	-	-	-	30	-	4	34
Total nationalities rank 1-10	13.559	690	3.967	18.216	99	1	23	123	9.410	11	1.993	11.414	2.442	6	2.180	4.628	1.028	-	175	1.203	59	-	23	82	521	3	242	766
Total (all nationalities)	18.039	29	8.320	26.388	137	1	31	169	11.941	13	2.862	14.816	3.650	10	4.745	8.405	1.509	-	323	1.832	101	-	41	142	701	5	318	1.024

Note: The list of the 10 largest nationality groups refers to the total immigration of workers, not to one of the sub-groups. Analysis of the AZR, effective date: March, 31st, 2010.

Chart A32: Emigration of foreign workers by previous legal status

Year: 2009		third country nationals		
		male	female	total
highly qualified (§ 19)	Emigration to foreign country	81	7	88
	Emigration to unknown	16	5	21
sum		97	12	109
qualified (§ 18 IV S. 1+2)	Emigration to foreign country	3.885	517	4.402
	Emigration to unknown	289	54	343
sum		4.174	571	4.745
low qualified (§ 18 III)	Emigration to foreign country	1.304	455	1.760
	Emigration to unknown	139	65	205
sum		1.443	520	1.965
employed (§ 18)	Emigration to foreign country	7.977	2.875	10.852
	Emigration to unknown	1.464	636	2.100
sum		9.441	3.511	12.952
researchers (§ 20 I+V)	Emigration to foreign country	26	10	36
	Emigration to unknown	4	2	6
sum		30	12	42
self-employed (§ 21)	Emigration to foreign country	313	134	447
	Emigration to unknown	179	66	245
sum		492	200	692
TOTAL		15.647	4.814	20.463

Analysis of the AZR, effective date: December 31st, 2009.

Chart A33: Emigration of foreign workers by nationality (third countries) and legal status

Year: 2009		total										main categories																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																				
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